

**Volume 4**

# **STATUTES OF CALIFORNIA**

**AND DIGESTS OF MEASURES**

**1981**

**Constitution of 1879 as Amended**

**General Laws, Amendments to the Codes, Resolutions,  
and Constitutional Amendments passed by the  
California Legislature**

**1981-82 Regular Session**



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CALIFORNIA LEGISLATURE  
1981-82 REGULAR SESSION

# SUMMARY DIGEST

*of*

Statutes Enacted and Resolutions  
Adopted in 1981

*and*

1979-1981 Statutory Record



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## **PREFACE**

### **Digests**

The Summary Digest consists of a short summary of each law enacted, and of each constitutional amendment, concurrent or joint resolution adopted by the Legislature in 1981. Except for technical corrections indicated by “\*” (words stricken out or added), the summary of each measure is identical to the Legislative Counsel’s digest which appeared on the face of the legislative measure when placed on final passage by both houses.

### **Cross-Reference Tables**

The text of the Summary Digest is arranged numerically by chapter number.

Cross-reference tables are arranged numerically by bill or resolution number and indicate the chapter number of each.

### **Index**

A subject matter index to all measures, including constitutional amendments and resolutions, is included.

### **Statutory Record**

This edition of the Summary Digest includes a cumulative statutory record for 1979–1981, followed by a list of concurrent resolutions adopted in 1979–1981, which affect concurrent resolutions adopted in prior years, and lists of new general laws passed in the years 1979–1981 which do not specifically amend, add to, or repeal any existing code or general law. Cumulative statutory records for 10-year periods, 1969–1978, 1959–1968 and 1949–1958, and for the 16-year period, 1933–1948, are published in separate volumes, which supplement the original statutory record, 1850–1932, published in 1933.

## ABBREVIATIONS

AB .....	Assembly Bill
ACA .....	Assembly Constitutional Amendment
ACR .....	Assembly Concurrent Resolution
AJR .....	Assembly Joint Resolution
SB .....	Senate Bill
SCA .....	Senate Constitutional Amendment
SCR .....	Senate Concurrent Resolution
SJR .....	Senate Joint Resolution
Sec. ....	Section
Art. ....	Article
Ch. ....	Chapter
Res. Ch. ....	Resolution Chapter
Pt. ....	Part
Div. ....	Division
Stats. ....	Statutes

## EFFECTIVE DATES

### Regular Session

The 1981–82 Regular Session convened on December 1, 1980, and the interim recess commenced on September 15, 1981. Statutes enacted in 1981, other than those taking immediate effect, will become effective January 1, 1982. In absence of other considerations, the provisions of a statute become operative on the date it takes effect. Digests indicate statutes taking immediate effect.

An urgency statute and a statute calling an election, providing for a tax levy, or making an appropriation for the usual current expenses of the state may take effect immediately. Such a statute becomes *effective* on the date it is filed with the Secretary of State.

However, any statute may, by its own terms, delay the *operation* of its provisions until the happening of some contingency, until a specified time, or until a vote of the electors at a statewide election. Also, a later statute or a general provision in a particular code may delay the operation of a statute to a time after its effective date.

The effective date of a joint or concurrent resolution is the date it is filed with the Secretary of State.

A constitutional amendment proposed by the Legislature and adopted by the people takes effect the day after the election unless the measure provides otherwise.

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DIGESTS OF STATUTES  
ENACTED IN 1981

1981-82 REGULAR SESSION

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**BILL CHAPTERS**

Ch 1 (SB 30) Garamendi. Public Social Services: limitation of opportunity for hearing.

Existing law provides that if an applicant for or recipient of public social services is dissatisfied for any of the reasons specified, he or she is to be accorded an opportunity for a fair hearing with either the State Department of Social Services or the State Department of Health Services.

This bill would provide that there is no right to a state hearing when either state or federal law requires automatic grant adjustments for classes of recipients unless the reason for an individual request is incorrect grant computation, or when the sole issue is a federal or state law requiring an automatic change in services or medical assistance which adversely affects some or all recipients.

This bill would take effect immediately as an urgency statute.

Ch. 2 (AB 125) Nolan. Conservatorship.

Existing law provides that a proposed conservatee must be served at least 30 days prior to the hearing with a specified citation setting forth, among other things, the time and place of hearing and a copy of the petition. A hearing is required to take place on all petitions for conservatorships for gravely disabled persons under the Lanterman-Petris-Short Act within 30 days of the date of the petition.

This bill would decrease the number of days prior to the hearing that the citation and copy of petition must be served upon the proposed conservatee from 30 to 15 days.

The bill would take effect immediately as an urgency statute.

Ch. 3 (SB 85) Campbell. State contracts.

Existing law prohibits the inclusion of sales taxes in a bid by a bidder for a state contract and provides that such taxes shall be disregarded in the award of a state contract.

This bill would repeal such provision, except that the repeal shall not apply to bids opened during the period between the effective date of such law and the effective date of the repeal, and the inclusion of sales taxes in a bid shall be disregarded in the award of the contract during that period.

This act would take effect immediately as an urgency statute.

Ch. 4 (AB 232) Deddeh. Property taxes: exemption: transit development board.

Under the California Constitution, real property owned by a local government that is located within its area of jurisdiction is exempted from property taxation.

This bill would deem property owned by a nonprofit entity that is solely owned by a transit development board to be property owned by the transit development board. The bill would state that this exemption would be in effect only during the 1981-82 assessment year.

The bill would remain in effect only until January 1, 1982, unless a later enacted statute extends or deletes that date.

The bill would take effect immediately as an urgency statute.

Ch. 5 (SB 143) Robbins. New state office building-Van Nuys: land acquisition-appropriation.

This bill would appropriate \$609,000 from the Special Account for Capital Outlay in the General Fund for allocation to the Department of General Services for expenditure to acquire land in Van Nuys for a new state office building, as specified.

This bill would take effect immediately as an urgency statute.

Ch. 6 (SB 103) Alquist. Joint exercise of powers by public entities.

Under existing law, public entities may enter into joint powers agreements for the joint exercise of any power common to the contracting powers and for the creation of an agency or entity to administer or execute the agreement. Any agency, commission, or board provided for by joint powers agreements may issue revenue bonds to pay the cost of acquiring or constructing defined projects, if such entity has the power to construct, maintain, or operate such projects specified in provisions of existing law. Each affected local agency is required to authorize a joint powers entity to issue revenue bonds pursuant to an ordinance of the local agency, which must include, among other

things, a maximum amount of bond issuance.

Existing law requires a separate authorization for each bond issue.

This bill would authorize a joint powers agency or entity created by cities in a county of the fifth class to issue revenue bonds to finance acquisition, construction, or improvement of facilities for the collection, treatment or disposal of sewage, waste, or stormwater, provided the joint powers agency or entity otherwise has the power to construct, maintain, or operate the facilities

This bill would take effect immediately as an urgency statute.

#### Ch. 7 (AB 94) Harris. Municipal courts: Alameda County.

Existing law establishes the Oakland-Piedmont Judicial District within the municipal court in Alameda County.

This bill would change the name of the Oakland-Piedmont Judicial District to the Oakland-Piedmont-Emerlyville Judicial District.

#### Ch. 8 (AB 288) Deddeh. Timber yield tax.

Existing law provides for the payment by the Controller from the Timber Tax Fund of 100% of the annual yield tax revenue guarantees to county treasurers without any deduction of counties' proportional shares of annual administrative costs incurred for the 1978-79 and subsequent fiscal years. In the event the balance in the Timber Tax Fund is insufficient to make such an allocation, the Controller is required to transfer sufficient money to that fund from the Timber Tax Reserve Fund to make the allocation. Existing law also provides for the annual computation of the Timber Tax Reserve Fund rate for the 1979 and subsequent calendar years, which rate is intended to restore to the Timber Tax Reserve Fund any money transferred in the previous year to the Timber Tax Fund, but in providing therefor, only State Board of Equalization costs or Department of Forestry costs rather than both such costs are excluded from computation.

This act would provide that both State Board of Equalization costs and Department of Forestry costs are to be excluded from the computation. The bill would also require the State Board of Equalization to recompute the 1981 Timber Tax Reserve Fund rate

The bill would take effect immediately as an urgency statute

#### Ch. 9 (AB 132) McAlister. Protective proceedings guardianship and conservatorship.

Existing law details procedures for the appointment of guardians and conservators.

This bill would revise existing law to (1) detail a procedure for the appointment of a successor guardian or conservator if a vacancy occurs in the office of guardian or conservator; (2) provide a summary procedure for obtaining an order requiring a competent spouse to apply the community property income or principal or both to the support of a conservatee spouse; (3) specify that an appeal may be taken from an order or judgment made under provisions relating to the management or disposition of community or homestead property where a spouse lacks legal capacity; and (4) make related changes.

#### Ch. 10 (AB 701) Lancaster Federal-state extended benefits

Existing federal law requires a state unemployment insurance law to conform to specified federal requirements in order for employers in the state to become entitled to a credit upon the tax otherwise imposed by federal law for unemployment insurance, and in order for the state and its employers to be entitled to federal financial assistance. The state unemployment insurance law includes the provision of federal-state extended benefits during periods of high unemployment to workers who have exhausted their regular unemployment insurance benefits.

This bill would make changes in the state law governing federal-state extended benefits in order to conform the state law to recent changes in the federal requirements.

This bill would take effect immediately as an urgency statute, but the operative date of the bill's provisions would depend on the date the bill is chaptered. Also, the bill's provisions would be operative only during such time as federal law requires state law to contain the provisions as a condition for federal certification of state unemployment insurance laws.



**Ch. 11 (SB 64) Craven. Sex discrimination: veterans.**

The California Fair Employment and Housing Act generally makes it unlawful for an employer to discriminate on the basis of sex. Also, the California Constitution authorizes the Legislature to provide preferences for veterans and their surviving spouses in civil service. A regulation provides that, unless required pursuant to this constitutional provision or applicable federal law, military service or veterans status shall not be used by an employer as a basis for selection with respect to employment, except to the extent that work performed during military service is related to job performance.

This bill would provide that nothing in the California Fair Employment and Housing Act relating to discrimination on account of sex shall affect the right of an employer to provide preferences for veterans and their surviving spouses.

This bill would also prohibit the use of state funds to challenge the provisions of the bill in the courts.

**Ch. 12 (SB 122) Keene. Dentistry.**

Existing law, effective January 1, 1980, prohibits a dentist from administering or supervising the administration of general anesthesia, as specified, unless the dentist has a permit issued by the Board of Dental Examiners. The law provides that a dentist who has been using general anesthesia prior to January 1, 1980, must make a permit application to the board on or before January 1, 1981, if the dentist desires to continue to use general anesthesia.

This bill would extend the permit application date to January 1, 1982, for dentists who have been using general anesthesia prior to January 1, 1980.

This bill would also declare that nothing in the provisions of law regulating dentistry shall be construed to authorize a dentist to administer or directly supervise the administration of general anesthesia for reasons other than dental treatment, as defined.

The bill would take effect immediately as an urgency statute.

**Ch. 13 (AB 93) Lehman Kings River Conservation District: directors' compensation**

Under existing law, the compensation received by each member of the Board of Directors of the Kings River Conservation District is \$35 for each board meeting attended, not exceeding 5 meetings in any calendar month, and such additional compensation as shall be fixed by the board for services while otherwise employed by the authority of the board in the business of the district.

Under existing law, the directors of irrigation districts generally receive compensation not exceeding \$50 per day, not exceeding 6 days per month.

This bill would provide that the compensation received by each director of the Kings River Conservation District shall be determined in accordance with the same provisions and limitations applicable to directors of irrigation districts.

**Ch 14 (AB 624) Vasconcellos. Appropriation Mediterranean fruit fly eradication.**

This bill would require the Director of Food and Agriculture, in cooperation with other federal, state, and local agencies, to take any steps which are prudent, necessary, legal, and appropriate to protect the health and safety of the people of California to accomplish the eradication of the Mediterranean fruit fly.

The bill would appropriate \$13,263,305 from the Energy and Resources Fund. The amount of \$477,000 from these funds would be appropriated to the Controller for allocation to local agencies for actual expenses, as determined by the Department of Finance, incurred in the eradication of the Mediterranean fruit fly. The amount of \$9,057,910 from these funds would be appropriated to the Department of Finance for allocation to state agencies to defray costs incurred through March 31, 1981, in eradicating the fruit fly. The amount of \$3,728,395 from these funds would be appropriated to the Department of Finance for allocation to the Department of Food and Agriculture for costs incurred in eradication efforts from April 1, 1981, to June 30, 1981. No allocation for costs from the \$3,728,395 of appropriated funds could be made until written notification, as specified, is provided to the Chairman of the Joint Legislative Budget Committee.

The funds appropriated by this bill would be reduced by any federal funds received by the state to assist in eradication of the Mediterranean fruit fly, and the Director of Food and Agriculture would be required to make every reasonable effort to obtain federal funds.

The bill would declare the Legislature's intention that the \$9,057,910 appropriation in

the bill only cover costs incurred by the state through March 31, 1981, and subsequent expenses shall not be paid from the \$3,728,395 appropriation or pursuant to later enacted legislation unless and until the Department of Food and Agriculture and the Department of Transportation present to the Joint Legislative Budget Committee adequate documentation, as specified.

The bill would take effect immediately as an urgency statute.

**Ch. 15 (SB 177) Stiern. State and local government: appropriations limit.**

Article XIII B of the California Constitution places various limitations on the fiscal powers of state and local government by establishing, among other things, the appropriations limit of the state and each local jurisdiction. Article XIII B further authorizes the adjustment of the appropriations limit in the event of a transfer of the financial responsibility of providing services. Statutory provisions implementing Article XIII B define the various terms used in the article and prescribe procedures to determine, among other things, the appropriations limit of the state and each local jurisdiction.

Current law also provides for the computation of revenue limits for school districts, community college districts, and county superintendent of schools, and state aid is apportioned pursuant to those revenue limits less, generally, the amount of local revenues received by a school district, community college district, or county superintendent of schools.

This bill would authorize the governing body of a school district or community college district, or a county superintendent of schools, in the 1980-81 or 1981-82 fiscal year, to increase its 1978-79 fiscal year appropriations limit in a specified circumstance, but not to exceed its revenue limit for the 1978-79 fiscal year. This bill would also require that any increase in the 1978-79 fiscal year appropriations limit of those entities shall equivalently reduce the state 1978-79 fiscal year appropriations limit.

This bill would be deemed operative for the entire 1980-81 fiscal year.

This bill would take effect immediately as an urgency statute.

**Ch. 16 (SB 286) Keene. Commercial fishing**

(1) Under existing law, any person authorized to fish for salmon commercially in another state may fish in California if California fishermen who have a California commercial salmon permit are allowed to fish in that state.

This bill would repeal those provisions. The bill would also provide that any permits issued by the Department of Fish and Game to out-of-state fishermen pursuant to those provisions are revoked on the effective date of the act.

(2) Under existing law, if the Director of Fish and Game determines, based on scientific evidence and at least 1 hearing, that any species of fish is in danger of irreparable injury, the director may order the closure of any waters or otherwise restrict the commercial taking in state waters of the endangered species.

This bill would permit persons who are authorized to take fish commercially and who are subject to a closure order to appeal a decision to order a closure or restriction within 24 hours after the decision on closure or restriction is announced and would require the director to convene an arbitration panel in response to the appeal. The panel would be composed of 1 department representative, 1 representative of the appellant, and 1 person mutually agreed upon by both parties, or appointed by the court, who would be chairman. The panel would be established within 24 hours of the date on which the appeal was made and would review all evidence presented to it by the department and the appellant. Within 48 hours following the date of the appeal, the panel would be required to determine whether the director's decision was adequately supported by scientific evidence. If the panel's determination disagrees with the director's decision, then the closure or restriction would cease to have effect.

(3) The bill would take effect immediately as an urgency statute.

**Ch 17 (SB 88) Boatwright Public Employees' Retirement System: benefits**

The Public Employees' Retirement Law presently authorizes the Board of Administration of the Public Employees' Retirement System, under certain circumstances, to transfer funds in the reserve for deficiencies to make quarterly increases in allowances.

This bill would specify that the provision applies to the allowances of survivors and beneficiaries

The bill would take effect immediately as an urgency statute.

Ch. 18 (AB 156) Greene. Schools: Compact for Education.

Currently, the Education Code contains provisions authorizing the State of California to participate in the Compact for Education, which establishes the Educational Commission of the States. There is some doubt as to the operative effect of those provisions.

This bill would reenact those provisions and would state that this bill is declaratory of existing law

Ch 19 (AB 122) Lehman. State park system: veterans' passes.

Existing law requires the Department of Parks and Recreation to issue a pass, for \$3.50, which entitles the bearer to the use of all facilities, including boat launching facilities, in units of the state park system, to any veteran of war, as defined, having a certified 70% or greater service-connected disability and who was honorably discharged.

This bill would extend those provisions to an honorably discharged veteran whose disability has been rated at 100% for reasons of unemployability.

The bill would take effect immediately as an urgency statute.

Ch. 20 (AB 163) Bergeson. Commercial fishing: abalone.

(1) Under existing law, the commercial taking of abalone in the mainland coastal waters from Palos Verdes Point in Los Angeles County to Dana Point in Orange County is unlawful until March 1, 1982

This bill would extend the prohibition to March 1, 1987.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 21 (AB 44) McAlister. Workers' compensation

(1) Existing law requires generally that employees be covered by workers' compensation.

This bill would exclude from such coverage specified persons who perform officiating services relating to amateur sporting events sponsored by public agencies or private, nonprofit organizations, and certain students participating as athletes in amateur sporting events.

(2) Existing law specifies who is an employer subject to the workers' compensation law.

This bill would exclude as an employer for such purposes any private, nonprofit organization while acting solely as the sponsor of a person who, as a condition of sentencing by a superior or municipal court, is performing services for such organization

(3) Existing law makes an employer liable for failure to secure the payment of workers' compensation.

This bill would exempt from such liability individual members of a board or governing body of a public agency or members of a private, nonprofit organization, if the agency or organization performs officiating services relating to amateur sporting events and such members are not employees for purposes of the workers' compensation law

(4) Existing law permits any employer who pays or becomes obligated to pay workers' compensation or salary in lieu of compensation, to make a claim or bring an action against a third person for the injury or death to the employee

This bill would, in addition, permit an employer who pays or becomes obligated to pay an amount to the Department of Industrial Relations when an employee entitled to workers' compensation dies without survivors, to make such claim or bring such action against a third person

(5) This bill declares that the changes in law made by (1), (3), and (4) above are declaratory of existing law, and shall apply to all claims filed for injuries occurring prior to the effective date of this bill.

(6) Existing law provides for a Workmen's Compensation Appeals Board of 7 mem-

bers to perform specified functions relating to workers' compensation.

This bill would change the name of the appeals board to Workers' Compensation Appeals Board.

(7) This bill would take effect immediately as an urgency statute.

**Ch. 22 (AB 147) Hallett. Court personnel San Luis Obispo County**

Existing law sets forth the number, classification, and compensation of the municipal court in San Luis Obispo County.

This bill would revise the number, classification and compensation of municipal court personnel in San Luis Obispo County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 23 (SB 135) Dills. Blood donations: minors.**

Under an existing statute a minor who has attained the age of 15 may consent to donation of his or her blood with the consent of his or her parent. Another statute provides that while a blood bank may accept the donation of a minor who has attained the age of 17 if he or she has the consent of a parent, it may only accept the donation of a minor under the age of 17 if he or she has both parental consent and the written authorization of a physician.

This bill would revise the above statutes to provide that a minor who has attained the age of 17 may consent to the donation of his or her blood without the necessity of obtaining parental consent, and that a blood bank may accept such a donation. It would also specify that a minor who has attained the age of 15 may consent to a donation of his or her blood with the written consent of his or her parents or a guardian and the written authorization of a physician and surgeon. It would also specify that "donation of blood" means a giving of blood in which the donor of blood receives no payment therefor.

**Ch. 24 (AB 200) Vicencia. Horseracing: California-bred awards.**

(1) Existing provisions of the Horse Racing Law require payment of a sum equal to 10% of the first money of every purse won by a California-bred thoroughbred horse to the breeder and payment of an award of up to 10% of the winner's share of the purse to the owner of a California-bred thoroughbred winning specified races other than claiming races.

This bill would exclude nomination, sustaining, entry, and starter fees from the payment of awards to California-bred standardbred breeders and owners and would reduce the owner's award to an amount up to 5% of the winner's purse.

(2) Existing provisions of the Horse Racing Law authorizes the payment of California-bred awards to breeders of California-bred thoroughbreds winning or placing second or third in a race in this state. A breeder of a California-bred thoroughbred winning a graded stakes race outside the State of California with a purse value of \$25,000 or more is required to be paid an award within 10 days of the close of the meeting equal to 10% of the winner's share of the purse, with a maximum award of \$7,500 for any 1 race. California-bred awards for quarter horses and Appaloosas are limited to winners of races having a purse total of \$3,500 or more.

The bill would change the amount of a California-bred award for thoroughbred horses winning or placing second or third in a race within the state and would delete the requirement that a graded stakes race outside the state have a purse value of \$25,000 or more in order for California-bred awards to be paid. The bill would revise the basis for stallion awards for sires of thoroughbreds winning races in the southern or central zones. The bill would delete the \$3,500 purse requirement for California-bred awards for quarter horses and Appaloosas and instead would require the purse to be in excess of the average purse value for races conducted during the previous year and, except for fair meetings, would limit the maximum award to 10% of the total awards, to be dis-

tributed within 30 days of the close of the meeting. The bill would authorize an organization distributing quarter horse and Appaloosa awards to take up to a 5% expenses deduction if it has the approval of the Horse Racing Board.

(3) Existing law authorizes an association with an average daily handle of \$650,000 or less which conducts a harness, quarter, or Appaloosa horse meeting to deduct up to 3% of its daily exotic parimutuel pool for distribution as additional commissions and purses.

The bill would make technical changes in these provisions.

(4) Under existing law, 75% of specified breakage on standardbred races is used to fund the California Standardbred Sires Stakes Program and 25% is used to increase purses.

The bill would require, after July 1, 1981, that 100% of the specified breakage be used for the California Standardbred Sires Stakes Program.

(5) The bill would take effect immediately as an urgency statute.

#### Ch. 25 (AB 286) Ingalls. Pawnbrokers.

Existing law regulates the maximum interest rates and charges which may be imposed by a pawnbroker. Among other things, the maximum rate that may be imposed on the unpaid principal balance of any loan up to, including, but not in excess of \$225 is 2½% per month.

This bill would permit a pawnbroker to impose a charge not exceeding \$1 a month on any loan when the monthly charge permitted otherwise is less than such minimum charge.

This bill would take effect immediately as an urgency statute.

#### Ch. 26 (AB 310) Young. Retail installment accounts

Under existing law which became operative January 1, 1981, and which will remain in effect until March 31, 1982, the amount of the debt subject to the finance charge imposed by a seller or holder of a retail installment account is determined by allocating each payment received to all purchases in the same proportion as the cash sale prices bear to one another.

This bill would provide that if the seller or holder of a retail installment account increases its finance charge rate, that rate would apply only to the balance consisting of purchases and other charges incurred on or after the effective date of the increase. In determining the amount of the debt subject to the new finance charge limitations, this bill would provide that all payments and other credits may be deemed applied to the balance existing prior to the change in the rate until that balance is paid in full.

This bill, in addition, would extend the termination date of existing law from March 31, 1982, to October 1, 1982, and thereafter reinstate the law in effect prior to January 1, 1981.

Existing law provides that each payment received under an agreement made in connection with a retail installment account whereby the seller retains a security interest in goods sold to the buyer until the seller is paid in full, is deemed to be allocated to all the various purchases in the same ratio as the cash sale prices bear to one another.

This bill would instead provide that, for the purposes of the release of the seller's security interest, where the goods or services are purchased on different dates, all payments would be allocated towards the balances remaining for those goods or services, in the order in which they were incurred, such that the first purchased would be deemed first paid, and where the goods and services are purchased on the same date, all payments would be allocated such that the lowest priced item or service would be deemed first paid.

Existing law provides that the Retail Credit Advisory Committee is required to conduct a study of the costs of providing consumer credit to California customers and to make certain other determinations, and to report the results of the study to the Assembly Committee on Finance, Insurance and Commerce and to the Senate Committee on Insurance and Financial Institutions on July 1, 1981.

This bill would provide that the Retail Credit Advisory Committee is required to report to the Senate Committee on Banking and Commerce instead of the Senate Committee on Insurance and Commerce, and that the report shall be made on December 31, 1981, rather than July 1, 1981.

This bill would take effect immediately as an urgency statute.

**Ch. 27 (AB 498) Costa. Appropriation: Mediterranean fruit fly detection.**

Existing law authorizes the establishment of quarantine areas and eradication of pests found therein.

This bill would appropriate \$1,134,228 from the Energy and Resources Fund to the Department of Food and Agriculture for the 1980-81 fiscal year to enable the department to contract with county agricultural commissioners to carry out programs for the timely detection of incipient infestations of the Mediterranean fruit fly.

The bill would also require that the Director of Food and Agriculture make reimbursement to county agricultural commissioners for expanded Mediterranean fruit fly detection from March 1, 1981, forward in the amount determined by the director necessary to cover direct county costs. The bill would state that it is the intent of the Legislature that this appropriation constitute full reimbursement pursuant to Section 2231 of the Revenue and Taxation Code for expanded Mediterranean fruit fly detection.

The bill would take effect immediately as an urgency statute.

**Ch. 28 (SB 149) Rains. Prosecutions.**

Under existing law, with respect to certain misdemeanor prosecutions and certain prosecutions of persons under the age of 18, the arresting officer files a copy of a written notice to appear in court or juvenile court with the prosecuting attorney. The prosecuting attorney may initiate prosecution by filing the notice or formal complaint with the magistrate within 5 days of the arrest, or with respect to juvenile court by filing a notice of a formal petition with the clerk or other officer of the juvenile court.

This bill would provide that the arresting officer shall file the duplicate notice with the magistrate or officer of the juvenile court where the offense is an infraction or where the officer has been so directed by the prosecuting attorney, and in other cases it would be filed with the prosecuting attorney. It would also provide that where the duplicate notice is filed with the prosecuting attorney, the prosecuting attorney may initiate prosecution by filing the notice or a complaint with the magistrate within 25 days of the arrest. If the notice or complaint is not filed within 25 days, further prosecution of the misdemeanor charged in the notice to appear would be barred. The bill would provide for the issuance of a notice to appear before the juvenile court or specified officers where the offense is driving a vehicle upon the real property of another and the person arrested appears to be a minor. The bill would make related changes.

The bill would also specify that neither the bill nor Chapter 1094 of the Statutes of 1980 is intended to affect provisions of the Vehicle Code governing a written notice to appear.

The bill would take effect immediately as an urgency statute.

**Ch. 29 (SB 322) Rains. Child abuse.**

Existing law generally requires a child care custodian, medical practitioner, nonmedical practitioner, or an employee of a child protective agency, as those terms are defined, to report to a child protective agency a child whom the person knows, observes, or reasonably suspects has been the victim of child abuse. A person who fails to report an instance of child abuse which is known or reasonably should be known is guilty of a misdemeanor and is punishable by a fine or imprisonment, or both.

Child abuse, as defined, includes the sexual assault of a child. For purposes of the reporting requirements, sexual assault includes, among other things, conduct in violation of Section 261.5 of the Penal Code (unlawful sexual intercourse with a female not the wife of the perpetrator, where the female is under the age of 18 years).

This bill would delete from the definition of sexual assault the reference to Section 261.5 of the Penal Code.

This bill would take effect immediately as an urgency statute.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 30 (SB 148) Boatwright. School facilities: Twin Creeks Elementary School: Palo Verde Community College District.

Existing law prohibits, with certain exceptions, the use, after June 30, 1975, of school buildings which do not conform to the structural standards of the so-called Field Act.

This bill would exempt the Twin Creeks Elementary School in the San Ramon Valley Unified School District and the Vocational Center and Child Development Centers in the Palo Verde Community College District, from the Field Act until June 30, 1983.

This bill would take effect immediately as an urgency statute.

Ch. 31 (AB 118) Ryan. Voter lists: purging costs.

Existing law requires the Secretary of State to reimburse counties for the costs incurred by the county clerks to cancel voters' affidavits of registration, pursuant to specified procedures. It also provides for the reimbursement of those costs for the conduct of the 1978, 1980, 1982 or 1984 purge of voter registration files if claims are submitted on or before October 31, 1980, March 31, 1981, March 31, 1983 or March 31, 1985, respectively.

This bill would require the Controller to reimburse the counties and would require the claims to be submitted by October 31 of the next even-numbered year in which a primary and general election are held and would require the submission of the claims for the 1982 and 1984 purge to the Controller by October 31, 1982 and October 31, 1984, respectively or the claims will not be paid.

Ch. 32 (SB 132) Presley. Peace officers.

Existing law provides that harbor police regularly employed and paid as such by a county, city, or district, except as specified, are peace officers with specified duties and powers.

This bill would provide that port police regularly employed and paid as such by a county, city, or district, except as specified, are peace officers with specified duties and powers.

Existing law permits a retired peace officer to carry a concealed weapon and requires him to petition the agency issuing the authorization every 5 years for renewal of the privilege to carry a concealed weapon.

This bill would impose the petition requirement only with respect to peace officers who retired after January 1, 1981.

Existing law exempts peace officers from the requirement of completing a course certified by the Department of Justice in the use of tear gas and tear gas weapons in order to purchase, possess, or transport any tear gas weapon for official use if they have received a course of instruction approved by the Commission on Peace Officers Standards and Training in the use of tear gas.

This bill would exempt retired peace officers from the requirement of completing such a certified course in order to purchase, possess, or transport any tear gas weapon if they have received a course approved by the commission in the use of tear gas.

Existing law permits peace officers to remove motor vehicles from highways and public or private property for specified purposes.

This bill would provide that any officer of the California State Police or any person duly authorized by the state agency in possession of property owned, rented, or leased by the state may, after giving notice to the city police or county sheriff, cause removal of a vehicle from such property or property of a district agricultural association policed by the state police to the nearest garage under specified circumstances.

This bill would take effect immediately as an urgency statute.

Ch. 33 (AB 789) Torres. Handicapped children's service.

Under existing law the State Department of Health Services and counties share the public cost of administering the Robert W. Crown California Children's Services Act. The State Director of Health Services is required to define conditions eligible for inclusion in the program and the level of service.

This bill would appropriate \$2.25 million to provide additional funding for the program.

This bill would take effect immediately as an urgency statute.

Ch 34 (AB 224) McAlister. Motor vehicle liability insurance.

Existing law prohibits an insurer licensed to issue motor vehicle liability policies from failing to or refusing to accept an application from a handicapped person for such insurance, or from issuing such insurance to a handicapped applicant therefor solely because of handicap, or from issuing or canceling such insurance under conditions less favorable to handicapped persons than nonhandicapped persons. It would also prohibit a handicap itself from constituting a condition or risk for which a higher rate, premium, or charge may be required of a handicapped person for such insurance.

This bill would, upon a violation of the above prohibition, subject an insurer to damages of \$100 plus reasonable attorneys' fees, and, where the insurer has refused to issue a policy, an additional amount of damages, as specified.

Ch 35 (AB 297) Filante. Sales and use tax: gasohol.

Existing California Sales and Use Tax Law imposes a sales or use tax on the sale or use of tangible personal property in this state, unless such sale or use is exempted from such tax. The sale or use of gasohol is exempted from sales or use taxes under specified circumstances. The Franchise Tax Board is required to annually transmit to the Controller an estimate of the annual revenues which will be lost as a result of that exemption.

This bill would remove the requirement that gasohol be dyed a different color than other gasolines, for purposes of this exemption. The bill would also require the State Board of Equalization, instead of the Franchise Tax Board, to annually transmit to the Controller an estimate of the annual revenues which will be lost as a result of that exemption.

The bill would take effect immediately as an urgency statute.

Ch. 36 (AB 274) Papan. Insurance: primary and excess coverage.

Under existing law, a policy of automobile liability insurance is generally required to afford coverage to any person using the automobile with the permission of the named insured. However, a policy issued to a named insured engaged in the business of selling, repairing, servicing, delivering, testing, road-testing, parking, or storing automobiles is inapplicable to anyone other than the named insured or his or her agents or employees except to the extent that other valid and collectible insurance does not provide coverage equal to specified minimum limits.

This bill would provide that a policy issued to a named insured engaged in the business of leasing vehicles for those vehicles which are leased for a term in excess of 6 months, does not apply to anyone other than the named insured or his or her agents or employees, except to the extent that other valid and collectible insurance does not provide coverage equal to specified minimum limits. It would also require notification of this provision in any contract for the lease of a vehicle, except as specified.

Under existing law, where 2 or more insurance policies are applicable to the same loss, certain policies affording coverage to persons renting or leasing vehicles are presumed to be excess over any other valid and collectible insurance policy covering the insured as a named insured or as an additional insured which provides coverage with limits at least equal to specified minimum coverage.

This bill would provide that such policies affording coverage to persons renting or leasing vehicles are presumed to be excess over any other valid and collectible policy covering the insured as a named insured which provides coverage up to specified minimum coverage.

Under existing law, where 2 or more policies are applicable to the same loss arising out of the loading or unloading of a motor vehicle, and one or more policies is issued to the owner, tenant, or lessee of the premises, it is presumed that insurance covering the premises is primary and that insurance covering the motor vehicle is excess over all other valid and collectible insurance with limits at least equal to specified minimum coverage.

This bill would provide that the coverage provided by the policies covering the motor vehicle is excess over all other valid and collectible insurance with limits up to specified minimum coverage.

Existing law with respect to any motor vehicle related loss to which certain primary insurance is not valid and collectible in whole or in part provides that the excess policy may provide that it applies only to the extent necessary to provide the insured with minimum coverage limits as specified.

This bill would permit the excess policy to provide, with respect to any primary policy



or to any loss to which the primary insurance is not valid and collectible in whole or in part, that the excess policy apply only to the extent necessary to provide the insured with specified coverage limits.

**Ch. 37 (SB 240) Johnson. Local assistance**

This bill would appropriate \$3,740,759 from the General Fund to the Controller for allocation and distribution to the Department of Corrections according to a specified schedule.

The bill would take effect immediately as an urgency statute.

**Ch. 38 (AB 2204) Vasconcellos. Budget Act deficiencies: appropriation.**

Items contained in the Budget Act of 1980 appropriate funds to the Department of Social Services for, among other things, the state supplementary payment program for aged, blind, and disabled, special adult programs, county costs for in-home supportive services, nonfederal costs of county administration of specified programs, and reimbursement of the costs of local mandates.

This bill would appropriate \$60,988,140 to the department in augmentation of, and subject to the same terms and conditions as, the above items of appropriation.

Item 477 of the Budget Act of 1980 appropriates funds to the Controller to provide property tax assistance to senior citizens.

This bill would appropriate \$350,000 to the Controller in augmentation of, and subject to the same terms and conditions as, that item.

The bill would take effect immediately as an urgency statute.

**Ch. 39 (SB 219) Garamendi. Cattle inspection fees.**

(1) Under existing law, the general brand inspection fee for each animal inspected is \$0.35.

This bill would increase that fee to \$0.45.

(2) Under existing law, the fee for the inspection before sale of each animal at a public saleyard which is posted by the United States Secretary of Agriculture or at a public saleyard, if the animal originated in another state and was shipped to California and consigned to the public saleyard or stockyard, is \$0.35.

This bill would increase that fee to \$0.45.

(3) Under existing law, the fee for the inspection of each animal originating in another state and shipped to California for slaughter, if the animal is unloaded in an enclosure used exclusively by the slaughterer and located within one mile of the slaughterhouse and the cattle are driven, not transported, from the enclosure to the slaughterhouse, is \$0.35.

This bill would increase that fee to \$0.45.

(4) Under existing law, the fee for the inspection of cattle, other than suckling calves, is \$0.32 if the cattle are transported for purposes other than sale or slaughter and no change of ownership is involved.

This bill would increase that fee to \$0.42.

(5) Under existing law, the fee for the inspection of cattle is \$0.39 for each animal which originated in any county or geographical area where a full point-of-origin inspection is maintained.

This bill would increase that fee to \$0.49.

(6) Under existing law, any person who receives cattle from any cattle sale market, either public or private, including any public stockyard where sales of cattle are held, may, upon request and upon payment of a fee of \$0.32 per head before accepting delivery of any cattle from the market or stockyard, have a reinspection of the cattle.

This bill would increase that fee to \$0.42.

(7) Under existing law, the fee for inspection of a carcass or hide is \$0.35.

This bill would increase that fee to \$0.45.

(8) Under existing law, the fee for the inspection of each carcass or hide is \$0.39 for each carcass or hide originating in those counties or geographical areas where a point-of-origin inspection is maintained.

This bill would increase that fee to \$0.49.

(9) The bill would make an appropriation by increasing fees deposited in the Department of Food and Agriculture Fund, a continuously appropriated fund

- (10) The bill would take effect immediately as an urgency statute.

**Ch. 40 (SB 119) Dills. County salary disbursing agencies.**

Existing law authorizes county boards of supervisors to designate one or more state or national banks or one or more state or federal credit unions to be a disbursing agent for the county auditor to pay salaries of specified persons.

This bill would permit the county boards of supervisors to designate one or more state or federal savings and loan associations as such a disbursing agent

**Ch. 41 (SB 168) Presley. Counties: water and sewer standby charges**

Under existing law, counties may levy annual water and sewer standby charges on land within a county service area to which water or sewers are made available, whether the water or sewers are actually used or not, in an amount not exceeding \$10 per acre, or \$5 for a parcel of less than 1 acre, for either the water or sewer standby charge.

This bill would increase to \$10 the maximum amount of the annual water or sewer standby charge which a county may levy on parcels of less than 1 acre.

**Ch. 42 (AB 176) Hannigan. State general obligation bonds and veterans' farm and home purchase.**

(1) The State General Obligation Bond Law prescribes a maximum interest rate for state general obligation bonds of 9%.

This bill would increase the maximum interest rate from 9% to 11% effective for 3 years after enactment of the bill, and would thereafter return the maximum interest rate to 9%.

(2) Existing provisions of the Veterans' Farm and Home Purchase Act of 1974 provide preferences for certain categories of veterans in the application for Cal-Vet benefits.

This bill would specify that, notwithstanding these preferences, all applications filed with the department on or before December 31, 1980, shall be entitled to commitments for funding prior to applications received on and after January 1, 1981. The bill would also state legislative intent in this regard.

- (3) The bill would take effect immediately as an urgency statute

**Ch. 43 (AB 783) Kelley. Domestic water supply systems.**

The California Safe Drinking Water Bond Law of 1976 permits the Legislature to authorize, subject to specified limits, the use of bond proceeds in the California Safe Drinking Water Fund for a grant program, with grants provided to water suppliers that are political subdivisions of the state, if it is determined that those suppliers are otherwise unable to meet minimum safe drinking water standards established pursuant to applicable provisions of law. Chapter 322 of the Statutes of 1978 authorized the use of bond proceeds for such a grant program with any grant to be made only upon the specific approval of the Legislature, by an act enacted after the receipt of a report on the grant application filed by the Department of Water Resources.

This bill would authorize a grant from the California Safe Drinking Water Fund not to exceed the amount of \$400,000 to the Winterhaven County Water District for the purpose of improving its domestic water systems to meet, at a minimum, safe drinking water standards. The bill would make legislative findings in that connection. The bill would require the Department of Water Resources to determine eligibility for the grant in accordance with the provisions of Chapter 322 of the Statutes of 1978.

The bill would take effect immediately as an urgency statute.

**Ch. 44 (AB 483) Lehman. Mediterranean fruit fly- sterile fly production facility**

This bill would appropriate \$500,000 from the Energy and Resources Fund to the extent that funds are available from that fund or, if funds are not available from that fund, from the General Fund to the Department of Food and Agriculture for payment to the federal government as this state's contribution toward the construction of a facility for the production of sterile Mediterranean fruit flies in Hawaii. The appropriation would be contingent on the allocation by the federal government of sufficient matching funds, as specified.

The bill would take effect immediately as an urgency statute.

**Ch. 45 (AB 263) Lehman. County water district: directors.**

Under the County Water District Law, each director of a county water district receives compensation in an amount not exceeding \$50 for each board meeting attended by him or for each day's service rendered as a director by request of the board, not exceeding 6 days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

This bill would increase the maximum amount of that compensation to not exceed \$100 per day, and would make the payment of any compensation to directors discretionary on the part of the board.

The bill would take effect immediately as an urgency statute.

**Ch. 46 (SB 164) Garamendi. Counties.**

Existing law specifies the officers of a county, and expressly permits certain enumerated offices to be consolidated, pursuant to county ordinance. Existing law contains no authority for combining the offices of county assessor and county recorder.

This bill would permit a county ordinance of a county of the 42nd class to provide for consolidation of the offices of county assessor and county recorder.

This bill would take effect immediately as an urgency statute.

**Ch. 47 (AB 279) N. Waters. Amador County Water Agency directors compensation.**

Under the Amador County Water Agency Act, each member of the board of directors of the Amador County Water Agency receives \$20 for each board or committee meeting attended, not exceeding 3 meetings per month, plus his actual, necessary, and reasonable traveling expenses.

This bill would instead permit the board to authorize each director to receive compensation not exceeding \$50 per day for each day's attendance at meetings, or for each day's service rendered as a director by request of the board, not exceeding a total of 6 days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

**Ch. 48 (AB 252) Alatorre. State employees: emergency appointments.**

Existing law provides that an appointing power may make emergency appointments under specified conditions, to prevent the stoppage of public business when an actual emergency arises, or because the work will be completed within 60 working days. Furthermore, it defines "emergency employee" for civil service purposes.

This bill would make technical changes in the law.

**Ch. 49 (AB 313) Kelley. Metropolitan water districts: taxation.**

Under the Metropolitan Water District Act, a metropolitan water district is required to round out its tax rate to a full cent on each \$100 assessed valuation.

This bill would delete the requirement that the ad valorem tax rate imposed under the Metropolitan Water District Act be levied in full cents.

The bill would take effect immediately as an urgency statute.

**Ch. 50 (AB 556) Thurman. Vehicles: farm vehicles.**

Existing state law exempts from registration various specified types of farm vehicles, provided the vehicles display an identification plate and meet all equipment and device requirements.

This bill would include within that exemption cotton module movers.

**Ch. 51 (SB 253) Marks. Validations.**

This bill would enact the First Validating Act of 1981, which would validate the organization, boundaries, acts, proceedings, and bonds of counties, cities, and specified districts, agencies, and entities.

This bill would take effect immediately as an urgency statute.

**Ch. 52 (SB 55) Johnson. Local government: commission members.**

Existing law permits local agency formation commissions to adopt rules and regulations with respect to disqualification of members from participating in the review of a proposal. Existing law also provides that, in the event no such regulations are adopted, the provisions authorizing an alternate member appointed by a city selection committee to serve and vote if a regular member is disqualified shall apply.

This bill would alternately provide in such a situation that the provisions authorizing an alternate member appointed by an independent special district selection committee to serve and vote if a regular member is disqualified shall apply.

**Ch. 53 (SB 94) Johnson. Cities: annexations.**

Existing law generally prohibits the annexation of territory to a city unless it is contiguous to the city at the time preliminary proceedings are initiated for the annexation of the territory. Existing law, however, does permit a city, upon approval of the local agency formation commission, to annex noncontiguous territory not exceeding 160 acres in area which is owned by the city and is being used for municipal purposes at the time the preliminary proceedings are initiated.

This bill would increase from 160 acres, to 300 acres, the maximum acreage of noncontiguous territory that may be annexed to a city.

The bill would be limited in application to an incorporated city within the County of Placer.

**Ch. 54 (AB 352) Kelley. Vehicles: length.**

Existing law establishes the maximum length of various vehicles or combinations of vehicles. Existing law provides, with specified exceptions, that any extension or device used to increase the carrying capacity of a vehicle is included in measuring the length of a vehicle.

This bill would except extensions of not more than 18 inches in length on the last vehicle in a combination of vehicles when the vehicles are loaded from the length measurement.

**Ch. 55 (AB 334) Lancaster. Insurance: title insurers.**

Existing law prohibits a title insurer from directly or indirectly making a loan from its assets to any of its officers, directors, or employees, but permits an insurer, in connection with relocations at the insurer's request, to make a loan for the purchase of a principal residence by, and to acquire a principal residence from, an officer of the insurer or person having authority in the management of the insurer's funds.

This bill would, in conformity with existing law, specifically permit a title insurer to make such loans.

The bill would also define the terms "abstract of title", "preliminary report", "commitment" and "binder" for purposes of title insurance regulation, as specified.

Existing law permits an underwritten title company to engage in the escrow business and act as an escrow agent provided that all funds deposited with the company in connection with any escrow are deposited in a bank in a separate trust account, as specified.

This bill would also permit the funds to be deposited in a savings and loan association. The bill would make related changes.

**Ch. 56 (SB 310) Alquist. Department of Consumer Affairs.**

Item 492 of the Budget Act of 1980, among other things, provides that no deficiencies shall be authorized by the Director of Finance in any appropriation of money from special funds made by the Budget Act for the 1980-81 fiscal year.

This bill would, notwithstanding such provision, appropriate various specified sums of money, or so much thereof as may be necessary, from the unencumbered balances of various special funds, and from the General Fund, to certain boards and bureaus in the Department of Consumer Affairs, to meet contingencies and emergencies during the 1980-81 fiscal year.

The bill would take effect immediately as a statute making an appropriation for the usual current expenses of the state.

**Ch. 57 (SB 442) Garamendi Tahoe Regional Planning Agency: appointees compensation.**

Existing law provides for the creation of the bistate Tahoe Regional Planning Agency and for the appointment of members to the governing body of that agency to represent the public-at-large of this state. Existing law requires generally that the expenses of each member of the governing body of the agency be paid by the body which the member represents but no specific provision is made for payment of the expenses of these public

members.

This bill would provide that the expenses of these public members shall be paid from funds appropriated therefor by the Legislature and would appropriate \$6,000 from the General Fund to the Secretary of the Resources Agency to pay the expenses incurred during the 1980-81 fiscal year by these members upon submission of claims, as specified.

This bill would take effect immediately as an urgency statute.

**Ch. 58 (SB 195) Mello Buyer's guide: Medicare supplemental health policies**

Existing law requires the Insurance Commissioner and the Commissioner of Corporations, jointly, to provide a buyer's guide to be disseminated by admitted health insurers to potential purchasers of Medicare supplemental health policies at the time of initial contact with the potential purchaser.

This bill would delete such requirement. It would take effect immediately as an urgency statute.

**Ch. 59 (SB 98) Keene. Forests sales of forest products from state forests and sewage treatment plant development.**

(1) Under existing law, the Director of Forestry, with the approval of the Director of General Services, may make sales of forest products from state forests up to \$2,000 in value without advertising for bids.

This bill would, instead, authorize the Director of Forestry, with the approval of the Director of General Services, to sell from state forests, (1) forest products that do not exceed \$10,000 in value, and (2) dead, dying, downed, diseased, or defective trees, trees harvested in connection therewith for thinning purposes or other forest improvement work, or any combination thereof, that do not exceed 100,000 board feet. Any sale in excess of those amounts would be required to be by competitive bids.

(2) Under the Z'berg-Nejedly Forest Practice Act of 1973, a person is required to file a timber harvesting plan and obtain a permit to conduct timber operations, as defined, and is required to obtain a conversion permit with respect to timberlands which are to be devoted to uses other than the growing of timber.

This bill would provide that, notwithstanding those provisions, the McKinleyville Community Services District need not obtain a timberland conversion permit or file a timber harvesting plan with respect to the development of a specified sewage treatment plant approved by the North Coast Regional Commission under the California Coastal Act.

(3) The bill would take effect immediately as an urgency statute.

**Ch. 60 (SB 74) Boatwright. Appropriation: payment of claims.**

This bill would appropriate \$220,000 from the Motor Vehicle Account in the State Transportation Fund in augmentation of the Budget Act of 1980 to settle the claims of Angelina Brougham against the State of California in the action of Angelina Brougham and Florence Mullins v State of California et al.

The bill would take effect immediately as an urgency statute.

**Ch. 61 (AB 15) Tucker. Appropriation: settled wrongful death claim against the state.**

This bill would appropriate \$75,000 in augmentation of Item 470 of the 1980 Budget Act to pay the settlement of the claims of Inez Breaux, Roger L. Cormier, and Kenny R. Breaux against the State of California in the wrongful death action entitled Breaux, et al. v. State of California, et al., relating to the death of Clarence Cormier, Jr. in Camarillo State Hospital.

This act would take effect immediately as an urgency statute.

**Ch 62 (AB 197) N Waters Bond interest rates: water districts.**

Under existing law, the maximum interest rate that may be paid on bonds or other evidences of indebtedness issued by a local governmental agency is, with certain specified exceptions, 10% per year.

This bill would increase the maximum interest rate to 12% for bonds or other evidences of indebtedness issued by a water district, as defined.

The bill would also permit irrigation district bonds to bear interest at a rate not exceeding 15% per year if, before issuance of the bonds, the district board determines

that the interest on the bonds will be subject to federal income taxation under then existing law.

The bill would remain in effect only until January 1, 1984, unless that date is deleted or extended by later enacted statute.

The bill would go into immediate effect as an urgency statute.

**Ch. 63 (AB 327) McAlister. Powers of appointment.**

Under existing law, a general power of appointment exercisable at the death of a donee is exercised, as a matter of law, by a residuary clause or other general disposition language in the donee's will.

This bill, instead, would provide that a residuary clause or other general disposition language does not exercise a power of appointment unless there is some other indication of intention to exercise the power. This provision would apply to any case where the donee dies on or after July 1, 1982.

Existing law prohibits the use of a release of a power of appointment if the release effectively exercises a power that is not presently exercisable.

This bill, instead, would prohibit the use of a release, where the donor designated persons or a class of persons to take in default of the donee's exercise of the power, except where the release serves to benefit all those so designated by the donor.

Existing law specifies that a power of appointment affecting real property, if the creating instrument was recorded or an order of distribution has been recorded, is not terminated by the execution of a release until the release is recorded.

This bill, instead, would specify that a release which affects real property shall be acknowledged and may be recorded and is subject to the same provisions regarding the recordation or nonrecordation of conveyances of real property.

Existing law does not generally authorize the release of a minor donee's power of appointment, although a guardian of the estate of a minor donee could make a disclaimer of a power of appointment.

This bill would authorize the guardian of the estate of a minor donee to release a power of appointment in whole or in part, pursuant to an order of the court.

Existing law provides that, unless the creating instrument or the instrument of appointment manifests a contrary intent, an ineffective appointment under a general power of appointment to a trustee upon a trust which fails "captures" the property in favor of the donee or the donee's estate. Existing law further provides that, in other cases, the ineffective appointment captures the property only if the instrument of appointment manifests an intent to assume control of the appointive property for all purposes.

This bill, instead, would provide that, when the donee of a general power of appointment makes an ineffective appointment, an implied alternative appointment to the donee's estate may be found if the donee has manifested an intent that the appointive property be disposed of as property of the donee rather than as in default of appointment.

Under existing law, if an appointment made by will or by instrument effective only at the death of the donee is ineffective because of the death of an appointee before the appointment becomes effective, the antilapse statute applies to prevent the lapse of an appointment to a relative of the donee.

This bill would eliminate the requirement that the deceased appointee be a relative of the donee and would permit an issue of any appointee to take the appointed property where the appointee dies before the appointment becomes effective and leaves issue surviving the donee, unless the donor or donee manifests an intention to the contrary.

This bill would make other corresponding and technical changes.

This bill would become operative on July 1, 1982.

**Ch. 64 (AB 437) Tucker. Streets and highways: vacation.**

Existing law authorizes the board of supervisors to require a person filing a petition to vacate a street or highway to deposit an amount reasonably sufficient to defray the expenses of investigations, mailings, publications, and postings. The unused portion of a deposit is required to be refunded. If the cost exceeds the deposit, the county is required to bear the excess costs.

This bill would delete the above existing law and instead would authorize the county

to require the payment of a fee for filing a petition for vacation of a street or highway.  
Ch. 65 (AB 497) McAlister Small claims court: procedure.

Under existing law, a small claims court action must be heard not more than 40 days from the date of the order to appear if the defendant or defendants reside in the county, and not more than 70 days from the date of the order if one or more of the defendants reside outside of the county.

This bill would, upon request of a plaintiff which is a public entity and which is filing more than 10 claims at one time, permit the extension of those deadlines from 40 to 70 days, with respect to a defendant or defendants who reside in the county, and from 70 to 90 days with respect to a defendant or defendants who reside outside of the county.

Ch. 66 (AB 532) Bane. Public officers and employees: contracts.

Existing law states that public officers and employees shall not be financially interested in any contract made by them in their official capacity, and a contract violating this prohibition may be avoided at the instance of any party, except the officer interested therein.

This bill would provide that no lease or purchase of, or encumbrance on, real property, may be avoided in derogation of the interest of a good faith lessee, purchaser, or encumbrancer who acquired the interest without actual knowledge of a violation of the above-referred to restriction.

Ch. 67 (SB 285) Vuich. Banks.

Existing law provides, with respect to banks organized under the laws of or doing business in this state, that for specified purposes, if January 1st, July 4th or September 9th falls on a Saturday, the following Monday is a holiday, and that if December 25th falls on a Saturday, the preceding Friday is a holiday.

This bill would delete such provision.

Existing provisions of the Commercial Code relating to commercial paper specify optional bank holidays.

This bill would revise such provisions. It would also, for such purposes, provide that if January 1st, July 4th, or September 9th falls on a Saturday, the following Monday is an optional bank holiday, and if December 25th falls on a Saturday, the preceding Friday is an optional bank holiday.

Under existing law a foreign corporation is required to be licensed prior to engaging in the banking or trust business in this state. The law currently sets forth the requirements to obtain a license, the powers of the Superintendent of Banks with respect to such corporations, and the permissible activities of such corporations.

This bill would repeal existing law and enact a new comprehensive scheme for the licensure of foreign banking corporations. In particular it would divide offices of foreign banks into the following classes: (1) representative offices; (2) nondepository agencies; (3) depository agencies; (4) limited branch offices; (5) wholesale branch offices; and (6) retail branch offices. The bill would set forth the application fees for each class of license.

The bill would specify the matters to be considered by the superintendent in granting a license. It would also set forth the regulatory authority of the superintendent over foreign banks.

The bill would restrict the activities of some of the classes of offices, and restrict some foreign banks from being licensed as a particular class of office.

The bill would also specify that various laws applicable to state-chartered banks shall also be applicable to foreign banks licensed under its provisions.

The bill would provide for transition provisions for currently licensed foreign banks.

Under existing law, no license to issue travelers' checks is required of banks or foreign banking corporations licensed to do business in this state.

This bill would instead provide that no license to issue travelers' checks shall be required of any state-chartered bank, national bank which maintains its head office in this state, foreign bank licensed pursuant to the provisions of this bill, or foreign bank authorized under federal law to maintain a federal agency or federal branch in this state.

The bill would take effect immediately as an urgency statute.

Ch. 63 (SB 536) Stiern. Postsecondary education: Student Aid Commission-guaranteed student loan program.

The Budget Act of 1980 appropriates from the State Guaranteed Loan Reserve Fund a sum of \$1,769,059 for support of the Student Aid Commission for the purposes of the State Guaranteed Student Loan Program.

This bill would appropriate from the State Guaranteed Loan Reserve Fund an additional \$1,100,000 for support of the Student Aid Commission for the purposes of the State Guaranteed Loan Program.

This bill would take effect immediately as an appropriation for the usual current expenses of the state.

Ch. 69 (SB 633) Caramendi. Public social services.

(1) Existing law provides an automatic cost-of-living adjustment on July 1 of each year to grants under the Aid to Families with Dependent Children Program (AFDC), the In-Home Supportive Services program (IHSS) and the Supplemental Security Income/State Supplementary Program (SSI/SSP), including grants for out-of-home care in non-medical facilities, in accordance with a specified formula.

This bill would provide a 9.2% increase in those grants in lieu of the automatic increase scheduled for July 1, 1981.

(2) Existing law specifies a schedule of minimum basic standards of adequate care for purposes of determining family eligibility under AFDC and the extent of financial eligibility of medically indigent persons under the California Medical Assistance Program (Medi-Cal).

This bill would change the schedule to the same schedule which prescribes AFDC grant amounts, except for families of 9 or more persons.

(3) Existing law does not provide that parents, relatives, dependent children, and others living in the household of a family eligible under AFDC shall apply and accept any unemployment compensation benefits to which they are entitled.

This bill would require that these persons apply for these benefits.

The bill would further provide that in the case of a family qualified for AFDC due to factors other than the unemployment of the parents, the only persons ineligible due to nonapplication for unemployment compensation benefits shall be those persons not applying for the benefits. In the case of a family qualified due to the unemployment of a parent, failure to apply and accept benefits by any person required to do so shall make the family ineligible for AFDC benefits.

(4) Under existing law, any child over the age of 16 is not eligible for AFDC unless he is regularly attending school or a training program, making progress in an institution of higher education, employed and contributing to the family or a plan approved by the counties for further education of employment preparation, or is physically or mentally disabled.

This bill would provide that any child between the ages of 18 and 21 may not be granted aid unless he or she is regularly attending high school on a full-time basis.

(5) Under existing law, specified needy relatives with whom needy children are living are eligible for AFDC.

This bill would limit needy relatives to natural or adoptive parents, the spouse of a natural or adoptive parent, and other needy caretaker relatives.

(6) Existing law permits AFDC payments to be paid monthly or semimonthly.

This bill would, instead, provide that the State Department of Social Services may provide for the delivery of public assistance payments at any time during the month consistent with federal law relating to recipient monthly reporting requirements.

(7) Existing law appropriates to counties 27.75% of the amount of child support payments collected from noncustodial parents by the counties, which is used to reduce or repay AFDC grants paid to children. Fifteen percent of this amount is reimbursable by federal funds.

This bill would reduce this incentive payment to 15% and provide that in the event federal law requires any federal incentive funds to be paid out of a combination of federal and state funds, the payment shall be the sum of the amount or percentage reimbursable by the federal incentive funds plus the difference between the total amount required and the amount reimbursable by federal incentive funds.

(8) Existing law establishes the Aid to the Potentially Self-Supporting Blind program.

This bill would repeal this program.

(9) Under the Medi-Cal Program, acupuncture is included in the schedule of benefits.



This bill would eliminate this benefit.

(10) Existing law requires the Office of Family Planning to provide family planning services to all former, current, or potential recipients of public social services who request such services

This bill would require the office to develop and implement a sliding fee schedule for family planning services based on family size and income

(11) Existing law requires the Director of Social Services to establish methods for food stamp issuance in all counties and to achieve the most efficient system for administration of the Food Stamp Program.

This bill would prohibit the State Department of Social Services from administering Food Stamp outreach programs or mandating counties to conduct such programs, except to the extent required by federal law.

(12) The bill also revises the state and county shares of cost for Short-Doyle services, including services provided in state hospitals, and county alcohol programs.

(13) Under existing law, counties are required to provide in-home supportive services to eligible aged, blind, and disabled persons who can remain in their own home or abode of their own choosing when these services are provided. The state is required to pay from the General Fund the matching funds required to obtain federal social service funds for the IHSS program.

This bill would change the coverage of the program to those eligible aged, blind, and disabled persons who are unable to perform IHSS services themselves and cannot safely remain in their own home or abode of their own choosing unless the services are provided. It would limit expenditures for the program to the amount appropriated in the Budget Act, require specified reductions in services when the amount appropriated is insufficient, require counties to pay 10% of the program costs which exceed \$263,000,000, and provides for a statement of legislative intent directing the State Department of Social Services to conduct pilot projects to test appropriate methods for assuring equity and efficiency in reducing program costs.

(14) Existing law authorizes the issuance of free fishing licenses to SSI/SSP recipients, disabled persons, and low-income senior citizens. Also, SSI/SSP recipients and low-income senior citizens are authorized to buy for \$3.50 a "Golden Bear Pass for Senior Citizens" which entitles the bearer and spouse to free use of the day-use facilities of specified state parks

This bill would repeal this authority

(15) The bill would make various statements of legislative intent regarding various items contained in the Budget Bill of 1981.

(16) Under existing law, the State Department of Developmental Services contracts with regional centers established throughout the state to provide services to developmentally disabled persons, as defined.

This bill would provide that notwithstanding any other provision of law, regional centers shall not grant their employees a cost-of-living increase greater than the increase which shall be given to state employees for the same fiscal year

The bill would take effect immediately as an urgency statute, but most provisions of the bill would become operative on July 1, 1981.

Ch 70 (AB 749) Campbell. Schools. emergency apportionments: funding of John Swett Unified School District.

(1) Existing law prescribes numerous formulas for the allowance and apportionment of state funds to school districts, including provisions for emergency apportionments which require certain reports of the district receiving the apportionment, review of the reports by the county superintendent of schools, and repayment over a ~~5-year~~ [3-year]\* period together with interest at a rate equal to the rate established for the most recent sale of state bonds.

[This bill would change the repayment period to 5 years.]\*

This bill would change the rate of interest for repayment of emergency apportionments to a rate based on the most current investment rate of the Pooled Money Investment Account.

This bill would appropriate a sum not to exceed \$620,000 from the General Fund to the Superintendent of Public Instruction for allocation to the John Swett Unified School District for the 1980-81 fiscal year for any purpose for which money in the district

general fund may be used and would deem the appropriation an emergency apportionment. This bill would also provide for repayment of the money in a specified manner.

This bill would require the State Department of Education, on or before January 1 of each year, to report to the Legislature on the status of school districts which have received emergency apportionments, as specified

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill would take effect immediately as an urgency statute.

**Ch. 71 (AB 135) McAlister.** Appropriation: settled claim of Anna H. Salazar against the state.

This bill would appropriate \$237,150.49 from the General Fund in augmentation of Item 470 of the 1980 Budget Act to pay the settlement of the claim of Anna H. Salazar against the State of California in the damages action entitled *Salazar v. State of California et al.*, relating to affliction with the Guillain-Barre Syndrome after the administration of an influenza vaccine under the supervision of a state health officer.

This bill would take effect immediately as an urgency statute.

**Ch. 72 (AB 309) Thurman.** Milk: serving size.

Under existing law, homogenized market milk, which is served from a dispensing device approved by the Director of Food and Agriculture, is required to be dispensed directly into a container and served in minimum quantities of 8 ounces.

This bill would authorize milk to be served in a quantity of less than 8 ounces when served with children's or junior meals sold in a restaurant as defined.

**Ch. 73 (AB 320) Herger.** Public agencies: water: charges for fire protection services.

Existing law authorizes any public agency providing water for fire protection purposes to, in a specified manner, fix and collect on all land within the public agency to which water is made available for fire protection purposes, with exception provided for entities providing fire protection services, a charge to pay the costs of fire protection services for operation, installation, capital, maintenance, repair, alteration, or replacement of facilities and equipment. Existing law, additionally, permits the legislative body of the agency fixing such a charge to establish schedules varying the charges in different localities within the agency depending on the actual cost of installing and maintaining the fire hydrants.

This bill would, instead, authorize any such public agency, in a specified manner, to fix and collect a charge to pay the cost of operation, installation, capital, maintenance, repair, allocation, or replacement of facilities and equipment and permit the legislative body of the agency fixing such a charge to establish schedules varying the charges in different localities within the agency depending on the cost of operation, installation, capital, maintenance, repair, alteration, or replacement of facilities and equipment related to supplying water for fire protection purposes.

**Ch. 74 (AB 338) McAlister.** Financial records: privacy.

The California Right to Financial Privacy Act makes provision for and conditions the disclosure of financial records and information of financial institutions to public agencies. The act makes an exception for a formal request by any police or sheriff's department or district attorney to a bank or credit union for specified information in connection with the filing of a crime report. This exception does not expressly apply to a savings and loan association.

This bill would expressly include as an exception to the act, formal requests to a savings and loan association by the law enforcement agencies specified above for information

in connection with the filing of a crime report.

This bill would take effect immediately as an urgency statute

**Ch. 75 (AB 364) Thurman. Frozen products.**

Under existing law, numerous specified activities relating to the marketing of milk and dairy products are unfair practices and declared to be unlawful. Other provisions of law regulate unfair trade practices generally.

This bill would exempt retail sales or promotions of frozen products sold in other than packaged form in restaurants from the unfair practices laws directly relating to milk and dairy products and require that the cost of the sales or promotion be borne by the restaurant.

**Ch. 76 (AB 1295) Ingalls. Motor vehicles: certificate of compliance.**

Under existing law, a car dealer is required, with each application for initial registration or transfer of registration of a motor vehicle subject to the mandatory vehicle emission inspection and testing program in the South Coast Air Basin, to transmit to the Department of Motor Vehicles, without charge to the transferee, a valid certificate of compliance or waiver indicating that the vehicle has passed, within 60 days immediately prior to sale, the inspection conducted pursuant to that program.

This bill would delete the requirement that the transmittal be without charge to the transferee.

**Ch. 77 (AB 468) Katz. Statewide measures: ballot titles.**

Existing law requires at least a 20-day public examination period for review of a copy of the statewide ballot pamphlet. Included within the ballot pamphlet is a copy of the official summary of each measure prepared by the Attorney General. Existing law provides a procedure whereby a voter may seek a writ of mandate requiring any copy to be amended or deleted.

This bill would require a procedure, similar to the above, to be used with respect to the condensed statement of a ballot title as prepared by the Attorney General.

**Ch. 78 (AB 516) Robinson. Political Reform Act: campaign statements.**

Existing law requires all candidates and committees to file campaign statements on July 31 and January 31 if they have made or received contributions or made expenditures during the 6 calendar months before the closing date of the campaign statements.

This bill would require the filing of campaign statements no later than July 31 and January 31, would provide that candidates who have filed a declaration stating that less than \$500 in contributions will be received or made in behalf of or in support of his or her candidacy, will not be required to file semi-annual campaign statements, and would make related changes in the law.

**Ch. 79 (AB 753) Cramer. County water districts: power generation**

Under existing law, county water districts are authorized to generate and sell at wholesale hydroelectric power in connection with any water conservation project of the district.

This bill would, instead, authorize a county water district, by using any water or water supplies furnished to the district or used by the district, to construct, maintain, and operate plants for the generation of hydroelectric power from the water, and the transmission lines for the conveyance thereof, in a manner which is compatible with the proper operation of the district's water storage, transmission, and distribution system, and would provide for related matters.

**Ch. 80 (SB 120) Speraw. Vehicle parking restrictions.**

Existing law generally authorizes local authorities to restrict vehicle parking or standing on streets and highways, subject to certain requirements regarding the posting of signs or notices; and, with specified exceptions as to commercial vehicles in a residential district and service vehicles of a public or private utility, authorizes [any] local authority [authority to adopt an ordinance or resolution, after notice and public hearing,] to prohibit [, with a specified exception,] vehicle parking or standing on streets or highways, or portions thereof, for street sweeping purposes between 8:00 a.m. and 4:00 p.m. not more than 1 day per week, provided [if]\* signs or notices are posted, as specified

This bill would ~~except commercial vehicles in a residential district from the authority to prohibit parking or standing for street cleaning purposes, when making pickups or deliveries from or to any building located on the restricted street or highway, or when delivering materials to be used in the repair, alteration, remodeling, or reconstruction of any building for which a building permit has previously been obtained.~~ [delete (1) the requirement for notice and public hearing prior to adoption of the ordinance or resolution and (2) the limitation that the restriction between 8:00 a.m. and 4:00 p.m. be not more than 1 day per week.]\*

Ch. 81 (SB 340) Foran. Motor vehicles: motorcycles: noise limits.

Under existing law, the noise limit of a motorcycle, other than a motor-driven cycle, is 83 dbA if manufactured after 1974 and before 1982, is 80 dbA if manufactured after 1981 and before 1986, is 75 dbA if manufactured after 1985 and before 1990, and is 70 dbA if manufactured after 1989.

This bill would extend the noise limit of 83 dbA until the end of 1982.

Ch. 82 (SB 410) Foran. Vehicles: length limitation.

Existing law generally prohibits vehicles from being more than 40 feet in length, but provides certain exceptions to this prohibition including permitting an articulated trolley coach to be not more than 50 feet in length.

This bill would permit an articulated trolley coach to be not more than 60 feet in length.

Ch. 83 (SB 528) Keene. Marin County Transit District.

The Marin County Transit District Act of 1964 specifies that the purposes of the establishment of the Marin County Transit District are to provide an interim solution to transit problems pending the inclusion of Marin County in the San Francisco Bay Area Rapid Transit District and to establish a permanent rapid transit system designed to be part of a unified San Francisco Bay areawide regional system, including a unified management.

This bill would delete these provisions and provide that the purpose of the district is to develop, finance, organize, and provide local Marin County transit service in a manner consistent with an overall San Francisco Bay Area regional transit system.

Ch. 84 (SB 531) Keene. Local government.

Proposition 4 on the ballot for the special election held on November 6, 1979, added Article XIII B to the Constitution to place various limitations on the fiscal powers of state and local government.

This bill would provide for the implementation of Article XIII B by authorizing certain newly incorporated cities, to adopt an appropriations limit determined in a specified manner.

The bill would take effect immediately as an urgency statute.

Ch. 85 (SB 1013) Boatwright. Counties: civil service systems.

Under existing law, a county may adopt a civil service system for its employees and appointive officers. A county civil service system is administered by a civil service commission, consisting of 5 members appointed by the county board of supervisors.

This bill would authorize a 7-member county civil service commission, if so resolved by the board of supervisors, and would provide for staggering of the terms of members initially appointed thereto.

Ch. 86 (AB 119) Ryan. Small claims court: satisfaction of judgment.

Existing law provides that immediately upon receipt of payment of judgment, a judgment creditor or his or her assignee shall file with the small claims court an acknowledgment of satisfaction of judgment; and any judgment creditor or assignee who, after payment in full of a judgment and after written demand therefor by the judgment debtor, fails without just cause for a period of 15 days to execute and file an acknowledgment of satisfaction of judgment with the court is liable to the judgment debtor or his or her grantees or heirs for all damages which he or she may sustain by reason of such failure and shall also forfeit to him or her the sum of \$50.

This bill would also provide that a canceled check or money order that was written

subsequent to the judgment by the judgment debtor for the full amount of the judgment, made payable and endorsed by the judgment creditor, or a cash receipt written subsequent to the judgment for the full amount thereof and signed by the judgment creditor, shall also constitute a rebuttable presumption of satisfaction of the judgment when filed with the clerk of the small claims court together with a specified statement signed by the judgment debtor under penalty of perjury, and in such event a satisfaction of judgment shall be entered.

**Ch. 87 (AB 589) Tucker. Medi-Cal.**

Item 287 of the Budget Act of 1980 appropriated \$2,158,958,500 for the state's share of Medi-Cal program costs for the 1980-81 fiscal year.

This bill would appropriate an additional \$35,000,000 to augment that item.

This bill would take effect immediately as an urgency statute.

**Ch. 88 (AB 605) D. Stirling. Limitation of actions: latent deficiencies**

Under existing law, an action for damages for or arising from a latent deficiency against persons who develop real property or who perform various services relative to the construction of improvements on real property may be barred after 10 years following substantial completion of the particular development or work of improvement. Existing law does not define the term "substantial completion."

This bill would provide that the 10-year period shall commence upon substantial completion of the improvement, but not later than the earliest of the date of final inspection, recordation of a valid notice of completion, use or occupation of the improvement, or one year after termination or cessation of work on the improvement.

**Ch. 89 (AB 444) Rogers. Agriculture. dehydrated garlic and onions.**

Under existing law, the provisions in the Food and Agricultural Code relating to standards for garlic and onions for dehydration and the existence of the Garlic and Onion Dehydrator Advisory Committee shall remain in effect only until January 1, 1982.

This bill would extend that date until January 1, 1984.

**Ch. 90 (AB 433) Thurman. Petroleum franchises.**

Existing law relating to petroleum franchises provides, among other things, that (1) no franchisor shall terminate, cancel, or refuse to renew any existing franchise without good cause, as defined; (2) a franchisee shall not be precluded from purchasing fuel from any available source if the franchisor is unable or refuses to supply the franchisee with such products, as defined; (3) a franchisor may not withhold its consent to the sale, transfer, or assignment of the franchise to another person or a corporation, except as specified; and (4) the offer or sale of a franchise shall be made only as specified. "Franchise" is generally defined as any contractual or written agreement between a petroleum corporation or distributor and a gasoline dealer under which the gasoline dealer is granted the right to use a trademark, trade name, service mark, or other identifying symbol or name owned by the corporation or distributor, or is granted the right to occupy premises owned, leased, or controlled by the corporation or distributor, for the purposes of engaging in the retail sale of petroleum and other products of the corporation and distributor.

This bill would revise the above definition of franchise by adding to it a definition which is in conformance with that provided under the federal Petroleum Marketing Practices Act (Public Law 95-197). The term "franchise" would be redefined to mean, in addition, any contract between a refiner and a petroleum distributor, between a refiner and a petroleum retailer, between a petroleum distributor and another petroleum distributor, or between a petroleum distributor and a petroleum retailer, under which a refiner or petroleum distributor authorizes or permits a petroleum retailer or petroleum distributor to use in connection with the sale, consignment, or distribution of gasoline, diesel, gasohol, or aviation fuel, a trademark which is owned or controlled by such refiner or by a refiner which supplies fuel to the petroleum distributor which authorizes or permits such use. The term "franchise" would also include, among other things, (1) contracts permitting a petroleum retailer or petroleum distributor to occupy leased marketing premises to be employed in connection with the sale of fuel under a trademark owned by a refiner, as specified; (2) contracts pertaining to the supply of fuel

to be sold under a trademark owned by a refiner; and (3) the unexpired portion of any franchise which is transferred or assigned, as authorized. This bill would make conforming changes.

This bill would also provide that at such time as a franchisor intends to withdraw from the marketing of fuel through retail and distribution outlets in the relevant geographic market area, as defined, prompt notification, together with a plan describing the schedule and conditions of the withdrawal, shall be provided by the franchisor to the Governor.

This bill would, in addition, revise provisions relating to the exemption of petroleum corporations or distributors from specified requirements of disclosure in connection with the offer or sale of a franchise.

**Ch. 91 (AB 27) Moorhead. Probate: accounting.**

Existing law provides for a contest of the accounting of an estate by the executor or administrator, upon written exception thereto filed with the court, but does not provide for a court order awarding costs and fees to the executor or administrator in the event that the court finds such exceptions unwarranted.

This bill would authorize the court to order that the fees of the executor or administrator and of his or her attorney and any costs for defending the accounting be made a charge against the person or persons filing the written exceptions if the court finds the exceptions were filed without reasonable cause and good faith.

**Ch. 92 (AB 505) Leonard. Schools.**

(1) Existing law permits a school district to establish a deferred compensation plan for the district's employees. It also permits the school district to invest funds which are deferred for purposes of the deferred compensation plan in a specified manner.

This bill would permit the governing board of a school district to authorize a bank, savings and loan association, or credit union in which the district has invested deferred compensation funds to disburse these funds to designated school employees or retired employees, or their beneficiaries, subject to specified conditions.

(2) Under existing law, when a potash deposit or lease is wholly within the boundaries of 2 or more elementary, high, or unified school districts, or community college districts, the districts are required to share equally in apportionments from the State Treasurer of money derived from bonuses, royalties, and rentals.

This bill would, notwithstanding any other provision of law, require the State Treasurer to divide the apportionment of potash funds to which the Kern Community College District and the Trona Joint Unified School District are entitled so that the community college district receives 15% of the total apportionment and the school district receives 85% of the total apportionment.

**Ch. 93 (AB 588) Farr. Fees.**

Under existing law a real estate licensee who fails to renew his or her license prior to its expiration, may renew it within 2 years from the date of expiration upon an application made at least 30 days prior to termination of the right to renew and the payment of a late renewal fee.

This bill would eliminate the requirement that the late renewal application be made at least 30 days prior to termination of the right to renew.

**Ch. 94 (AB 205) Kapiloff. Commercial fishing: anchovies.**

Under existing law, anchovies may be taken seasonally in Humboldt Bay for live bait under certain conditions until January 1, 1982, and the maximum seasonal commercial catch may not exceed 15% of the average summer biomass as determined by the Department of Fish and Game. On and after January 1, 1982, no anchovies may be taken commercially for any purposes in Humboldt Bay.

This bill would set the maximum seasonal commercial catch of anchovy in Humboldt Bay at 5 tons.

The bill would also repeal the prohibition against all commercial anchovy fishing in Humboldt Bay that would have been operative January 1, 1982, thereby continuing indefinitely the current provisions allowing anchovies to be taken seasonally.

**Ch. 95 (SB 1169) Beverly. Investment of student funds.**

Existing law requires that a student body organization established in the public schools of any school district deposit or invest its funds only in specified ways, including the purchase of United States savings bonds.

This bill would add notes, bills, certificates, debentures, or other obligations of the United States to the list of permissible investments for the funds of a student body organization.

This bill would take effect immediately as an urgency statute.

**Ch. 96 (SB 932) Ellis. Fictitious business name statements.**

Existing law provides for a fee of \$10 for filing a fictitious business name statement for the first name and a fee of \$2 for each additional name filed on the same statement and doing business at the same location.

This bill would provide that the \$10 fee would include up to one partner operating under the fictitious name statement and that a fee of \$2 shall be charged for each additional partner operating under the same fictitious business name statement.

**Ch. 97 (AB 452) Tanner. Standards of weights and measures.**

Existing law specifies (1) what constitutes the state's standards of weights and measures; (2) how the standards are to be maintained; (3) under what circumstances original standards and copies thereof are to be used; (4) how often copies of the state's standards are to be inspected and corrected and who shall bear the expense thereof; and (5) what duty a county sealer has with respect to the maintenance of accurate copies of the state's standards.

This bill would revise these provisions and would make technical, nonsubstantive changes to related provisions.

**Ch. 98 (SB 1125) Alquist. Appropriation: Budget Act of 1980 augmentation: contingencies or emergencies.**

The Budget Act of 1980 appropriated money from the General Fund and special funds for expenditure for contingencies or emergencies upon written authorization from the Department of Finance or the Director of Finance, as specified.

This bill would appropriate \$48,500,000 in augmentation of those appropriations.

The bill would take effect immediately as a statute providing an appropriation for the usual current expenses of the state.

**Ch. 99 (SB 110) Alquist. Budget.**

Makes appropriations for support of state government for the 1981-82 fiscal year.

To take effect immediately, urgency statute.

**Ch. 100 (AB 777) Greene. Schools: financial support: employer-employee relations: State Board of Control: employees.**

(1) Existing law prescribes a method of computing apportionments to school districts, including a determination of district revenue limits for the 1980-81 fiscal year and each fiscal year thereafter. This method provides for adjustments to the district revenue limits pursuant to inflation adjustments, as prescribed. The revenue limits are also adjusted for various other factors, including an adult education block entitlement, specified small school costs, and certain mandated costs.

This bill would revise the determination of district revenue limits for the 1981-82 fiscal year and each fiscal year thereafter by, among other things, providing for a minimum revenue limit guarantee for the 1981-82 and 1982-83 fiscal years, as specified. This bill would also adjust district revenue limits for the costs of the meals for needy pupils programs and for other specified costs or allowances, including, for example, a decrease in the revenue limit for district costs funded by Chapter 1353 of the Statutes of 1980 for the State Teachers' Retirement System. This bill would make specified changes in the calculation of district revenue limit adjustment based upon declining enrollment.

The revenue limit calculation includes a specified reduction based on a recomputation of the revenue limits for the 1979-80 fiscal year, excluding certain amounts received for fiscal year 1978-79 for purposes of child development.

This bill would provide for a permanent adjustment, as specified, in the calculation of a revenue limit for each school district for the 1980-81 fiscal year and each year thereafter.

This bill would delete the revenue limit adjustment for the adult education block

entitlement and would, instead, continue that entitlement as part of the principal apportionment to school districts

This bill would continue the revenue limit adjustment for specified small school costs for the 1981-82 fiscal year and each fiscal year thereafter.

This bill would delete the revenue limit adjustment for certain mandated costs and would, instead, provide for a reimbursement to school districts for those costs which the Controller would be required to reduce if he or she determined that it was excessive or unreasonable.

(2) Current law provides for allowances to school districts for approved home-to-school transportation costs determined generally pursuant to the district's total current expenses for transportation during the preceding fiscal year and certain computational tax rates in the current fiscal year necessary to achieve that amount of expenses.

This bill would repeal those provisions and would, for the 1981-82 fiscal year, increase the transportation allowance by 6%.

(3) Existing law prescribes a method of computing apportionments to county superintendents of schools, including capital outlay funding and an amount allocated for direct services and other purposes provided by county superintendents

This bill would reduce apportionments to county superintendents for county superintendent responsibilities and district services and would also reduce capital outlay funding. This bill would also specify the manner of allocating certain restricted funds and carryover balances to school districts within the county.

This bill would limit the inflation allowance for county superintendents to 7.2% for the 1981-82 fiscal year.

(4) Existing law makes extensive provisions for the creation and administration of regional adult and vocational education councils, and requires that each community college district, high school district, unified school district, county office of education, and specified adult continuing education coordinating councils shall participate in a regional adult and vocational education council.

This bill would remove the mandate that these districts and specified councils participate in the regional adult and vocational education council, and would make participation optional.

(5) Existing law establishes, among other things, certain school advisory councils and school site councils for particular programs.

This bill would authorize a school site council to serve as a school advisory council, if the membership of the school advisory council elects to have the school site council perform the advisory council functions, as specified.

(6) Current law establishes school improvement programs and apportions funds to school districts for those programs according to criteria based, in part, on the number of pupils enrolled in specified grades

This bill would authorize the governing board of a school district to adopt policies to ensure that all interested persons, as specified, in elementary schools, which receive school improvement funds for some but not all pupils, have an opportunity to establish a school site council representing the entire school. This bill would also require the school site council to recommend to the governing board whether to use school improvement funds for all pupils of the school.

(7) Existing law establishes various educational programs for which school districts may be provided funding pursuant to a consolidated application form.

This bill would authorize two or more school districts, each of which receives consolidated application funding, to join together or join together with one or more county superintendents to apply to the State Department of Education to become a consortium for, among other things, conducting program reviews of educational programs utilizing consolidated application funding, as specified.

(8) Existing law requires the Legislature to conduct a comprehensive study of certain education programs and requires the termination of these programs, as presently maintained, on various specified dates, unless the Legislature enacts legislation providing otherwise. If the Legislature does not enact this legislation, funding for the general purposes of each program continues after the termination date, but relevant statutes and regulations regarding the use of funds are not operative. The programs scheduled for termination are grouped according to termination date.

This bill would revise the termination dates of the programs and would state the



legislative intent to regroup those programs to promote more balanced workload and to encourage concurrent review of similar programs.

This bill would authorize the Superintendent of Public Instruction to terminate the funding to school districts if the superintendent determines that the district failed to comply with the purposes of terminated programs, as specified.

Under the termination provisions, programs for mentally gifted minors were scheduled to terminate on June 30, 1983. However, the provisions relating to mentally gifted minor programs were repealed by Chapter 774 of the Statutes of 1979. Chapter 774 established, instead, the gifted and talented pupil program, which is also repealed on June 30, 1985.

This bill would delete the obsolete reference to mentally gifted minors' programs from the termination provisions. This bill would include the gifted and talented pupil programs within the termination provisions.

(9) Existing law prescribes numerous programs pursuant to which funds are allocated to school districts and county superintendents of schools on the basis of the number of particular categories of pupils for whom the district provides educational services or upon the basis of the particular type of service provided to some or all pupils of the district.

This bill would prescribe a school-based coordination program pursuant to which a school district or a school may apply to receive funds under specified categorical aid programs without complying with the provisions of the substantive law relating to those programs. This bill would require the establishment of a school site council at each school which participates in a school-based coordination program. The school site council would be required to develop a prescribed school plan regarding the operation and evaluation of the program.

This bill would prescribe various duties of the State Board of Education and the Superintendent of Public Instruction.

This bill would provide that these provisions become operative January 1, 1982.

(10) Existing law prescribes the course of study to be adopted by the governing board of a school district.

This bill would require the governing board to offer summer school instructional programs for pupils enrolled in grades 7 to 12, inclusive, who were assessed as not meeting the district's adopted standards of proficiency in basic skills.

This bill would also require summer school programs for pupils who were enrolled in grade 12 in the prior school year and would authorize the reassessment of the pupils for purposes of meeting the district's proficiency standards. This bill would include in the total revenue limit computation the average daily attendance of those pupils.

(11) Existing law makes provision for the adoption of a tentative and final budget for school districts.

This bill would revise these provisions to postpone the adoption date for the final budget from August 8 or 10 to September 7 and would make various revisions in the law regarding the public hearings to be held as part of the budget-making process.

(12) Existing law prescribes the methods, causes, and procedures for the layoff and dismissal of certificated employees.

Existing law also limits the scope of representation, for purposes of public school employer-employee relations, to matters relating to wages, hours of employment, and other terms and conditions of employment, as defined.

This bill would repeal the provision prohibiting the dismissal of permanent employees for insufficient funds.

This bill would require the public school employer and the exclusive representative of employees to meet and negotiate regarding causes and procedures for disciplinary action, other than dismissal, affecting certificated employees and regarding procedures and criteria for layoff of certificated employees for lack of funds. This bill would specify that, in the absence of mutual agreement, existing law would prevail.

This bill would include in the specified causes for dismissal of permanent employees alcoholism or other drug abuse which makes employees unfit to instruct or associate with children.

(13) Existing law requires a single-session kindergarten class to meet specified criteria.

This bill would provide that kindergarten teachers shall be available for instructional

assistance or assignment in primary grades when not involved in the kindergarten program.

(14) Existing law requires school districts maintaining a high school or high schools to provide driver training programs for all eligible pupils. School districts are further required to provide driver training in a statutorily prescribed manner of instruction.

This bill would eliminate the requirement that school districts provide driver training programs and would make the programs optional. This bill would also transfer \$17,844,067† during the 1981–82 fiscal year from the Driver Training Penalty Assessment Fund to Section A of the State School Fund for driver training programs, as specified.

(15) There is in the State Department of Education the Council on Private Postsecondary Educational Institutions and an office of private postsecondary education.

This bill would require the Superintendent of Public Instruction to increase fees to certain private postsecondary education institutions to fund fully the costs of the activities of both the council and the office of private postsecondary education, but would prohibit a fee increase of more than \$150,000 for the 1981–82 fiscal year.

(16) Existing law authorizes any person 16 years of age or older to receive a certificate of proficiency based on an examination administered by the State Department of Education. The department may charge a fee for the examination, but the fee cannot exceed \$10.

This bill would increase the maximum fee to \$20.

(17) Existing law prescribes the various duties of the State Department of Education, including the duty to perform evaluations of specified educational programs.

This bill would eliminate certain educational programs from the department evaluations.

(18) Existing law establishes special state schools for deaf, blind, and neurologically handicapped pupils and requires that all pupils be maintained at the expense of the state, except as provided.

This bill would require the school district of residence of a parent or guardian of a pupil attending a special state school, except day pupils, to pay the school of attendance 10% of the average cost of education per pupil.

(19) Existing law requires the governing board of a school district to provide specified notices and hearings to public school employers who will not be reemployed for the following school year.

This bill would require public school employers to meet and negotiate with exclusive representatives of employees, or with specified employee organizations if there is no exclusive representative, within 1 month of the effective date of this bill, and would permit the parties to reach agreement on whether or not to postpone required employee dismissal hearings until 1 week after the Budget Act for the 1982–83 fiscal year is chaptered. If agreement is reached to postpone the hearings, the required notice would be given within 2 weeks after the Budget Act is chaptered, and all other specified time requirements would be extended accordingly.

(20) Existing law permits claims to be made to the State Board of Control for reimbursement to local agencies and school districts for state-mandated local costs.

This bill would prohibit the board from reimbursing school districts for specified costs of litigation, and would require the board to amend its parameters and guidelines, as specified.

(21) Existing law prescribes the manner and amounts of warrants which the Controller is to draw on the State Treasury in favor of the county treasurer of each county for the purposes of state apportionments to school districts and other school entities.

This bill would specifically include the apportionments and revenue limit adjustments within those provisions.

This bill would revise the amounts of warrants to be drawn for school districts which reported less than 5,000 units of average daily attendance and which received 39% or more of their total revenue limits from local property taxes in the 1979–80 fiscal year.

(22) This bill would appropriate \$64,200,000 from the General Fund to Section A of the State School Fund, and require the Superintendent of Public Instruction to apportion this money, as specified, to school districts for deferred maintenance, minor capital

† Appropriation in Section 36, subsection (c) of chapter deleted by action of the Governor

outlay, supplies, equipment, textbooks, and similar one-time expenses.

(23) Existing law establishes minimum requirements individuals must satisfy before obtaining a services credential with a specialization in administrative services.

This bill would establish two sets of credentials for administrative services: a preliminary services credential with a specialization in administrative services and a professional services credential with a specialization in administrative services, to be effective July 1, 1982. This bill would also establish minimum requirements for obtaining these credentials, and would set forth certain requirements relating to each.

(24) Existing law prescribes a method of computing apportionments to school districts and county offices of education for special education programs for individuals with exceptional needs, including the computation of unit rates which are adjusted for inflation.

This bill would increase the unit rates by 6% for the 1981-82 fiscal year.

(25) This bill would prescribe cost-of-living adjustments for specified categorical programs.

(26) This bill would require the Director of Finance to audit the distribution of property tax revenues to school entities in 20 representative counties, as specified.

(27) This bill would provide for the allocation of the interest income earned on the school entities' portion of uncertain proceeds of taxes levied on the unsecured roll for the 1978-79 tax year.

(28) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(29) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(30) This bill would, except as specified, be deemed operative for the entire 1981-82 fiscal year.

#### Ch. 101 (SB 102) Marks. Public finance- state subventions.

(1) Under existing law, there is in the State Treasury the Local Agency Indebtedness Fund, which is available for loans made by the Pooled Money Investment Board to local agencies for a maximum period of 20 years for the purpose of making payments due on certain nonvoter approved bonds during the 1978-79, 1979-80, and 1980-81 fiscal years, in order to prevent actual or technical defaults on payments due on the bonds. The interest rate on the loans made under these provisions is currently the same rate as loans from the Local Agency Emergency Loan Fund established under existing law.

This bill would continue the Local Agency Indebtedness Fund, without any limitation as to applicability to a particular fiscal year. It would permit loans from the fund only to prevent an actual or technical default on the bonds, and only where the default is due solely to a lack of available funds attributable to the enactment of Article XIII A of the California Constitution.

Further, it would change the interest rate on the loans to a rate established by the Pooled Money Investment Board, but in no event less than the interest rate on the outstanding bonds for which the applicant agency is requesting the loan.

(2) This bill would, for the 1981-82 fiscal year, reduce the amount of certain state subventions to a local agency by an amount equal to the imputed interest on that portion of the property tax levied by or for the agency on the unsecured roll for 1978-79 which is in excess of \$4 per \$100 of assessed value plus a tax rate for authorized debt service. It would require the Controller to transfer an amount equal to the amount of imputed interest to the General Fund. It would require the Department of Finance to perform audits, as specified.

(3) Existing law provides for the method of apportioning property tax revenues

between local agencies and school entities. Included within the property tax revenues subject to apportionment are the revenues derived from property on the unsecured roll.

This bill would, for the 1981-82 fiscal year, revise the method for apportioning property tax revenues between certain local agencies and school entities so that the allocation to those local agencies would be decreased by an amount equal to "supplemental unsecured property tax revenue," as defined, and an amount equal to the allocation to school entities would be increased by those revenue amounts.

(4) Existing law provides for prescribed reductions in moneys for local assistance in fiscal year 1981-82 and thereafter under specified conditions

This bill would repeal these provisions and substitute prescribed reductions, under specified conditions, for the 1982-83 fiscal year and each year thereafter

(5) Existing law requires the distribution to cities and counties, pursuant to prescribed formulas, of specified amounts of money contained in the Motor Vehicle License Fee Account in the Transportation Tax Fund.

This bill would require a reduction in the amount of these distributions pursuant to a prescribed formula and would require the amount subtracted to be deposited in the General Fund.

(6) Existing law requires the distribution to cities and counties, pursuant to prescribed formulas, of specified amounts of money contained in the Alcohol Beverage Control Fund, the Highway Carriers' Uniform Business License Tax Account, and the Financial Aid to Local Agencies Fund.

This bill would eliminate these distributions and provide for the deposit of these amounts in the General Fund.

(7) This bill would take effect immediately as an urgency statute, but would not become operative unless and until the Budget Act of 1981 and A.B. 251 become effective.

#### Ch. 102 (AB 251) Vasconcellos. Fiscal affairs.

(1) Existing law makes extensive provisions for the creation and administration of regional adult and vocational education councils, and requires that each community college district, high school district, unified school district, county office of education, and specified adult continuing education coordinating councils shall participate in a regional adult and vocational education council.

This bill would remove the mandate that these districts and specified councils participate in the regional adult and vocational education council, and would make participation optional.

(2) Under existing law, the State Lands Commission is required, with certain exceptions, to deposit revenues, moneys, and remittances in the State Treasury, and to apply such moneys to specified obligations in a specified order. Until the operative date of the Budget Act of 1984 or the operative date of a subsequent Budget Act, as specified, the commission is required to allocate to the State School Building Lease-Purchase Fund, a continuously appropriated fund, the amount of \$100,000,000 for fiscal year 1980-81, and the amount of \$200,000,000, for each subsequent fiscal year.

This bill would require the commission to allocate \$200,000,000 to the State School Building Lease-Purchase Fund for the 1984-85 fiscal year, as specified, and would provide for the apportionment of these funds to school districts for that year.

(3) Existing law requires school districts maintaining a high school or high schools to provide driver training programs for all eligible pupils. School districts are further required to provide driver training in a statutorily prescribed manner of instruction.

This bill would eliminate the requirement that school districts provide driver training programs and would make the programs optional. This bill would also transfer \$17,844,067 during the 1981-82 fiscal year from the Driver Training Penalty Assessment Fund to Section A of the State School Fund for driver training programs, as specified

(4) Existing law authorizes any person 16 years of age or older to receive a certificate of proficiency based on an examination administered by the State Department of Education. The department may charge a fee for the examination, but the fee cannot exceed \$10.

This bill would increase the maximum fee to \$20.

(5) Under existing law, the state provides reimbursement for certain child nutrition programs.

This bill would limit state reimbursement for these programs to meals provided to

needy children, as defined.

(6) Existing law establishes special state schools for deaf, blind, and neurologically handicapped pupils and requires that all pupils be maintained at the expense of the state, except as provided.

This bill would require the school district of residence of a parent or guardian of a pupil attending a special state school, except day pupils, to pay the school of attendance 10% of the average cost of education per pupil.

(7) Existing law requires public institutions of higher education to apply uniform rules in determining whether a student is to be classified as a resident or a nonresident.

This bill would require certain factors, as specified, to be considered in making this determination.

(8) Existing law requires the Trustees of the California State University and Colleges to seek approval from the Department of General Services with regard to printing and binding required by the trustees.

This bill would give the trustees authority, in specified circumstances, to select binders for library volumes on the basis of competitive bidding.

(9) Under existing law, public agencies, as defined, may enter into joint powers agreements for various purposes. Any entity provided for by a joint powers agreement may issue revenue bonds to pay the cost of acquiring or constructing a project if the entity has the power to construct, maintain, or operate the projects specified in provisions of existing law.

This bill would specifically authorize the Department of General Services to enter into a joint powers agreement for the purpose of acquiring land and constructing state office buildings and parking facilities. The bill would authorize the joint powers agency created thereby to issue revenue bonds for these purposes and would authorize the department to enter into certain agreements with this agency. The bill would also provide for review by the Legislature.

(10) Existing law contains no express provision for the existence of a revolving fund for the purpose of funding the purchase of leased electronic data-processing equipment.

This bill would establish, in the State Treasury, the Equipment Management Revolving Fund consisting of specified moneys which would be continuously appropriated for that purpose. The bill would authorize the Director of Finance to allocate moneys from the fund to state agencies as a loan for the purchase of equipment under specified conditions and would provide for repayment, as specified.

(11) Under existing law, accounting and budgeting systems of state entities, and the nature, style, and format of the budgets for state entities and appropriations for state entities contained in the annual Budget Bill are required to be revised in a prescribed manner, which includes a program budget format and a common coding system. These provisions apply to certain designated departments commencing with the 1982-83 fiscal year, and to all other state entities commencing with the 1983-84 fiscal year.

This bill would make the above provisions applicable to all other state entities commencing with the second fiscal year immediately following the fiscal year for which funds are appropriated by the Legislature to implement the provisions. The bill would also make related, conforming changes.

(12) Existing law provides for annual adjustments in the amount of reimbursement to local jurisdictions for revenue loss by reason of certain personal property exemptions.

This bill would revise these adjustments, as specified, commencing with the 1982-83 fiscal year.

(13) Existing law provides for the imposition of assessments on specified fines, penalties, and forfeitures and for the transfer of a certain percentage of the revenue collected thereby to the Indemnity Fund for appropriation by the Legislature in equal amounts to indemnify victims of violent crimes and to provide funding for local programs for assistance to victims and witnesses of all types of crimes for a specified period.

This bill would eliminate the requirement that these funds be divided equally, would provide for the levy of additional assessments, and would provide for appropriation by the Legislature of an unspecified portion of these funds for assistance to local rape victim counseling centers. This bill would also extend indefinitely the authority to provide funding for local programs for assistance to victims and witnesses of crimes.

(14) Existing law provides that the salaries of the Chief Justice and Associate Justices of the Supreme Court, the presiding and associate justices of the court of appeal, and

judges of the superior and municipal courts shall be increased by the average increase in state employee salaries, not to exceed 5%, as specified.

This bill would eliminate the 5% limitation but provide a dollar limitation, as specified.

(15) Under existing law, there are special provisions in the California Community Care Facility Act respecting family day care homes, including expedited licensing procedures for family day care homes for children, special limitations on regulations governing licensure of family day care homes, and a pilot project for simplified regulation (rather than licensure) of all the family day care homes which care for 6 or fewer children.

This bill would extend the pilot project until January 1, 1983, and enact simplified licensure provisions for family day care homes for children until July 1, 1984.

The bill would also appropriate \$4,100,000 from the General Fund for these purposes.

(16) There is in existing law the California Community Care Facilities Act, which contains specified provisions respecting day care facilities for children.

This bill would, in addition, grant such day care facilities after an onsite inspection 60 days to make a report, as defined, to the department documenting records found to be incomplete.

The bill would require the department to simplify its review and inspection of infant and day care centers.

The bill would also require the department to supply a copy of all applicable regulations without charge to a day care facility upon initial licensure.

Existing law also requires licenses or special permits for day care facilities to be issued for a period of 2 years.

This bill would require the issuance of such licenses or special permits for a period of 3 years.

(17) Existing law requires the Department of Housing and Community Development to use a specified portion of the money in the Rental Housing Construction Fund to assist rental housing developments financed by the department.

This bill would eliminate this requirement. The bill would also authorize the department to allocate previously committed, but unexpended, funds, as specified.

(18) Existing law permits the Division of Occupational Safety and Health in the Department of Industrial Relations to fix and collect fees not to exceed specified maximums for inspection of elevators, tanks, and boilers, and to cover the cost of processing an elevator permit.

This bill would eliminate the specified maximums and authorize the division to fix and collect fees necessary to cover the actual costs of the division and would require these fees to be deposited in the Elevator Safety Account and the Pressure Vessel Account, respectively, which would be created thereby.

(19) Existing law does not permit the state to make recovery of Medi-Cal payments from decedent's estates.

This bill would provide that recovery may be made from estates of decedent's estates who are 65 years of age or older, under specified circumstances. The bill would provide that the department shall have 4 months after receiving notice of a Medi-Cal recipient's death to perfect its claims, and that notice shall be given within 30 days of the recipient's death by the executor or other representative of the recipient.

(20) This bill would make a declaration regarding legislative intent and policy with respect to the Warren-Alquist State Energy Resources Conservation and Development Act.

(21) Existing law requires a permit from the Department of Water Resources for any person to engage in weather management, and specifies the amount of various fees in this connection.

This bill would eliminate the amounts of the fees, providing instead that the amount of these fees shall be as fixed by the Director of Water Resources.

(22) Existing law provides for the creation of watermaster service areas and generally provides for one-half the cost of administration of a service area by the state and one-half by the owners of the rights to divert or store water within the service area.

This bill would, instead, change the state's share of these costs to one-third, requiring the owners to pay the balance of two-thirds.

(23) Under existing law, the state funds 90% and a county funds 10% of certain programs under the Short-Doyle Act.

This bill would require the waiver of the county matching requirement if certain conditions are met.

(24) Existing law provides for loan assistance for recipients under the Supplemental Security Income/State Supplementary Payment program whose Supplemental Security Income/State Supplementary Payment or Social Security Disability Insurance check is lost or stolen

This bill would abolish these provisions.

(25) Under the Medi-Cal program, health care services are provided to public assistance recipients and persons determined to be medically indigent or medically needy.

This bill would provide for more stringent standards for becoming eligible for Medi-Cal benefits as a medically indigent or medically needy person.

(26) Existing law requires the counties to determine the eligibility of persons for Medi-Cal benefits as public assistance recipients or medically indigent or medically needy persons.

This bill would require the State Department of Health Services to institute an eligibility quality control program covering every county and to audit one or more county eligibility departments.

(27) Existing law does not provide that persons eligible for services under the Medi-Cal program shall be required to pay any cost of the services which they receive.

This bill would provide, with certain exceptions, that specified amounts shall be paid by Medi-Cal recipients for receipt of services under this chapter.

(28) Existing law provides that persons, who must, in order to be eligible for services under the Medi-Cal program pay a specified amount, shall have a monthly determination made as to the amount of money which must be paid.

This bill would require determinations to be made on a 3-month basis, except for persons in long-term care

(29) The bill would require the State Director of Health Services to contract for assistance, as specified, to recover payments to the Medi-Cal program where there is third-party liability

(30) Existing law provides that an interest rate of 7% per annum may be charged against providers of services under the Medi-Cal program when a provider has failed to repay an overpayment within a specified period of time and that the rate may be charged from a period commencing 30 days after the service of notice of an overpayment as specified.

This bill would, instead, provide that the rate shall be equal to the rate received on investments in the Pooled Money Investment Fund, that the interest may accrue from the date that the audit or examination finding which showed the overpayment is mailed, and that the same rate shall apply to payment of providers by the state when providers prevail in appeals for improperly disallowed payments, with the interest to accrue from the date the appeal is formally accepted.

(31) Senate Bill 633 of the 1981-82 Regular Session, which is before the Governor, contains provisions which would amend existing law to eliminate acupuncture from the schedule of benefits under the Medi-Cal program.

This bill would restore the provisions for acupuncture benefits if Senate Bill 633 is chaptered before this bill

(32) Under existing law, the Medi-Cal schedule of benefits covers physicians' services, laboratory services, and hospital services.

This bill would specify requirements concerning formulation of reimbursement rates for these services.

(33) The bill would provide for limited and experimental development of alternative methods for managing Medi-Cal care, including reimbursement of hospitals on a prospectively negotiated contractual basis, reimbursement of primary care providers under a risk-sharing or capitated contract, budget-managed county health care systems, and consolidated mental health programs.

(34) Existing law requires the governing body of each county to adopt a county health services plan and budget, and to submit the plan and budget to the State Director of Health Services in the form and in accordance with the procedures established by the director.

This bill would extend this requirement to the City of Berkeley and each existing local health district, and subjects that city and local health district to the same requirements

and benefits now applicable to counties.

This bill would also require each county receiving specified financial assistance to prepare and submit certain reports to the State Department of Health Services to be submitted to the Legislature.

(35) This bill would reappropriate \$4,723,464 in the 1980 Budget Act for child care services to Section B of the State School Fund for apportionment to community college districts.

(36) The bill would appropriate \$1,650,000 to the State Department of Health Services for support subject to certain conditions.

(37) The bill would revert \$17,000,000 from the Local Agency Indebtedness Fund to the General Fund

(38) The bill would require the Department of Food and Agriculture to conduct a demonstration project, as specified, in Sonoma County.

(39) The Personal Income Tax Law provides for tax credits for solar energy systems, energy conservation measures, and solar pumping systems.

This bill would provide that notwithstanding any other provision of law, there shall be no appropriation for refunds for these tax credits during the 1981-82 fiscal year.

(40) Existing law permits the state to contract, upon negotiations with employee organizations, with carriers for dental care plans for employees and annuitants, subject to appropriation of funds for a dental care plan for state employees

This bill would provide that on January 1, 1982, any dental care plan contracted for by an employee organization authorized for payroll deductions under Section 1156 of the Government Code may be eligible to receive any state contribution towards dental care coverage for employees and annuitants of the state civil service, the California State University and Colleges System, and the Regents of the University of California and the eligible dependents of those employees.

(41) Assembly Bill 11 of the 1981-82 Regular Session would provide for a tax credit under the Personal Income Tax Law and the Bank and Corporations Tax Law to any qualified 1978-79 tax year unsecured roll property taxpayer in the amount of the property tax paid by the taxpayer attributable to that portion of the property tax rate levied on the unsecured roll for the 1978-79 tax year, less the rate for voter-approved debt, which is in excess of \$4 per \$100 of assessed valuation.

This bill would appropriate \$125,000,000 from the General Fund to the Unsecured Property Tax Credit Fund, created by this bill, for purposes of that tax credit, to be distributed pursuant to the provisions of AB 11, but the appropriation would be operative only if AB 11 is chaptered and makes provision for that tax credit

(42) The bill would appropriate \$254,000 to the Department of General Services for specified purposes

Existing law provides for distribution to cities and counties, pursuant to prescribed formulas, of specified amounts of money contained in the Alcohol Beverage Control Fund, the Highway Carriers' Uniform Business License Tax Account, and the Financial Aid to Local Agencies Fund.

This bill would express the intent of the Legislature that cities which did not levy a property tax in 1977-78 shall receive an in-lieu appropriation from the state for their loss of revenue if those subventions are reduced or eliminated for the 1981-82 fiscal year.

(43) This bill would additionally provide that \$5,000,000 of the amount appropriated by Chapter 1043 of the Statutes of 1979 and allocated for use by the California Housing Finance Agency pursuant to former subdivision (b) of Section 50740 of the Health and Safety Code shall revert to the General Fund, and is appropriated for the 1981-82 fiscal year to the County of Los Angeles for purposes of state assistance payments.

(44) This bill authorizes the Department of Corrections to award a construction contract for a prison facility at Tehachapi, as specified

(45) The bill would provide for severability of any invalid provisions.

(46) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234,



but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(47) This bill would take effect immediately as an urgency statute but would not become operative unless and until the Budget Act of 1981 becomes effective.

**Ch 103 (AB 1626) Hughes. Community colleges: financial support.**

Existing law prescribes a method of computing the base revenues of community college districts for the 1979-80 and 1980-81 fiscal years and appropriates a specified sum to provide for state general apportionment in an amount equal to base revenues less, generally, local property tax revenues received. The base revenues are adjusted, among other things, for inflation and specified incremental costs.

~~This bill would repeal those provisions.\*~~

This bill would ; ~~instead,\*~~ prescribe a similar method of computing the base revenues of community college districts for the 1981-82 and 1982-83 fiscal years, including the computation of districts' general equity factor, as specified

This bill would make other provisions regarding community college financial support in those fiscal years, including the prescribing of different support levels for credit and noncredit average daily attendance.

This bill would provide for a specified adjustment of apportionments for the 1980-81 fiscal year.

This bill would prohibit the percentage of weekly contact hours taught by part-time instructors during the 1981-82 and 1982-83 fiscal years from exceeding that percentage for the 1980-81 school year. This bill would provide for a waiver of this provision and would exclude certain districts from its operation.

This bill would also state the legislative intent that a portion of funds apportioned to districts be used to provide information to the Chancellor of the California Community Colleges for planning and coordination of postsecondary education.

This bill would require the chancellor to collect specified information on course offerings and activities for each community college district, as specified

This bill would be deemed operative for the entire 1981-82 fiscal year, with a specified exception.

This bill would take effect immediately as an urgency statute

**Ch. 104 (AB 35) Naylor. Family protection**

Existing law provides for a pilot program in Shasta and San Mateo Counties for actual and potentially dependent children. Generally speaking, the demonstration program modifies the conditions applicable to other counties under which placement proceedings for a minor who has been taken from parental custody must be brought and the conditions for a court finding of adoptability. The program will expire on June 30, 1981.

This bill would extend the expiration date of the program to June 30, 1984, or 2 years after the effective date of specified legislation, whichever is later, but not later than October 1, 1984. It would provide that the participation of Shasta and San Mateo Counties in the program is voluntary and either county may withdraw from the program at any time. It also would make various changes with respect to the pilot program, including expanding the grounds to free a child from parental custody and control, revising the procedures regarding continuances in hearings regarding dependent children, and revising the circumstances in which a court may limit the control to be exercised over a dependent child by his or her parent. It also would make related changes including revising the formula for state and county reimbursement for costs and savings attributable to the increase or decrease of case loads, as specified, and would require the State Department of Social Services to report on the Family Protection Act, as specified.

It would provide that funding for the extension of the California Family Protection Act program is provided in the 1981 Budget Act, and would require that the funds provided in the Budget Act shall be allocated in a specified manner.

The bill would take effect immediately as an urgency statute

**Ch. 105 (AB 322) Wyman. Crimes: probation**

Existing law authorizes the dismissal of the accusations or information against the defendant following the period of probation. The defendant shall thereafter be released from all penalties and disabilities resulting from the offense, except with regard to the

suspension or revocation of driving privileges.

This bill would add a further exception that such a person convicted of a felony sex offense shall not be released from the duty to register as a sex offender unless he or she has obtained a certificate of rehabilitation.

Ch. 106 (AB 268) McAlister. Insurance Information and Privacy Protection Act.

Chapter 1214 of the Statutes of 1980 enacted the Insurance Information and Privacy Protection Act, to become operative July 1, 1981. The act contained comprehensive provisions regulating the collection, use, and disclosure of information gathered in connection with insurance transactions, as defined.

This bill would, among other things, do all of the following:

(1) Revise the definition for purposes of the act of "insurance-support organization" to mean any person who regularly engages, in whole or in part, in the business of assembling or collecting information about natural persons for the primary purpose of providing the information to an insurance institution or agent for insurance transactions, excluding: agents, government institutions, insurance medical care institutions, and medical professionals in peer review committees

(2) For purposes of the act redefine "medical professional" as including a chiropractor, pharmacist, or speech therapist.

(3) For purposes of the act redefine the term "personal information" as including an individual's name and address.

(4) For purposes of the act redefine the term "privileged information" as including any individually identifiable information that relates to a claim for insurance benefits or a civil or criminal proceeding involving an individual.

(5) For purposes of the act define "unauthorized insurer" as an insurance institution that has not been granted a certificate of authority by the Commissioner of Insurance to transact the business of insurance in this state.

(6) Provide that no insurance institution, agent, or insurance-support organization shall use or authorize the use of pretext interviews, as defined, to obtain information in connection with an insurance transaction unless the interview is undertaken to obtain information from a person or institution that does not have a generally or statutorily recognized privileged relationship with the person to whom the information relates for the purpose of investigating a claim where there is a reasonable basis for expecting criminal activity, fraud, material misrepresentation or material nondisclosure in connection with a claim.

(7) Delete the requirement that insurance institutions or agents give a person who is a policyholder or applicant notice regarding whether personal information may be collected, types of personal information which may be collected, whether and to whom such information may be disclosed, and that the individual may have access to, and an opportunity to correct or supplement, such information.

(8) Require that an insurance institution or agent provide notice of information practices to all applicants or policyholders in connection with insurance transactions, as specified

(9) Revise requirements for authorizations signed for the purpose of collecting information in connection with an application for an insurance policy, a policy reinstatement, or a request for a change in policy benefits, as specified.

(10) Provide that, for specified purposes, the term "insurance-support organization" does not include "consumer reporting agencies"

(11) Provide that an insurance institution or agent is not required to furnish specific items of privileged information if it has a reasonable suspicion, based upon specific information available for review by the commissioner, that the applicant, policyholder, or individual proposed for coverage has engaged in criminal activity, fraud, material misrepresentation, or material nondisclosure

(12) Revise those provisions whereby an insurance institution, agent, or insurance-support organization is permitted to disclose any personal or privileged information about an individual collected or received in connection with an insurance transaction.

(13) Exempt insurance institutions, agents and insurance support organizations from provisions of the Confidentiality of Medical Information Act and from specified provisions of certain consumer reporting acts.

(14) Revise specified provisions of the Insurance Information and Privacy Protection

Act with respect to actions brought under the act and with respect to actions brought after information has been disclosed in accordance with the act

(15) Provide that specified provisions of the act will take effect on October 1, 1981, rather than July 1, 1981.

The bill would become operative on October 1, 1981, as an urgency statute

**Ch. 107 (AB 1973) Young. Regulated transactions**

Existing law prescribes in two sets of provisions, one operative until July 1, 1981, and the other operative on and after July 1, 1981, (1) what every retail installment contract shall contain and what notices shall be given where a retail installment contract includes a finance charge; (2) what notices, if any, shall be given in any contract for goods or services which provides for a security interest in real property; and (3) what every conditional sale contract for the sale of a motor vehicle shall contain and what notices shall be given where a conditional sale contract for the sale of a motor vehicle includes a finance charge.

This bill would provide that the provisions which are to be operative until July 1, 1981, shall, instead, be operative until April 1, 1982, and that the provisions which are to be operative on and after July 1, 1981, shall, instead, be operative on and after April 1, 1982.

This bill would make additional changes in Section 2982 of the Civil Code as proposed by SB 1080 to be operative only if this bill and SB 1080 are chaptered, this bill becomes effective on or before July 1, 1981, and this bill is chaptered after SB 1080

This bill would take effect immediately as an urgency statute

**Ch. 108 (AB 1708) Thurman. Public administrators: reports**

Existing law requires a report containing specified information concerning decedents' estates which were administered by a public administrator, or a person acting as a public administrator, to be prepared and filed every 6 months by the public administrator, or person acting as public administrator, with the superior court, with the Controller, and with the papers in each estate

This bill would repeal that provision.

**Ch. 109 (AB 1017) McCarthy. Courts filing fees**

Under existing law, certain papers are exempt from the filing fee required for first papers filed by a defendant, intervenor, respondent, or adverse party

This bill would exempt a marital settlement agreement signed by a defaulted respondent and intended for incorporation in a proposed interlocutory decree of dissolution of marriage from the filing fee for first papers filed by a defendant, intervenor, respondent, or adverse party.

**Ch 110 (AB 659) Cramer Crimes: punishment.**

Existing law provides for a jury to recommend whether the punishment of a person convicted of vehicular manslaughter or unlawful sexual intercourse shall be a state prison or county jail term

This bill would delete the provisions for these recommendations.

**Ch. 111 (AB 546) Levine. Community colleges: interdistrict agreements.**

(1) Existing law permits community college districts to admit residents from other community college districts. It also permits community college districts to enter into interdistrict attendance agreements specifying the terms and conditions under which district residents of one district may attend a community college in the other district

This bill would limit the restrictions specified community college districts could put on the admission of residents in the districts to other specified community college districts

The provisions of this bill would be repealed July 1, 1986, unless a statute chaptered before July 1, 1986, extends or deletes this date

(2) This bill would take effect immediately as an urgency statute

**Ch 112 (AB 458) Bergeson Community recreation programs**

Existing law enables the governing body of any school district to use the building, grounds, and equipment of the district to provide for programs of community recreation

This bill would enable the governing board of any school district to establish one or more bank accounts for community recreation programs, as specified, and to receive and expend funds for authorized community recreation expenses, and would validate prior actions by a school board consistent with the provisions of this bill.

This bill would take effect immediately as an urgency statute.

**Ch. 113 (AB 441) Martinez Pharmacy.**

Existing law requires the executive secretary of the State Board of Pharmacy to keep a book of registration of all persons coming under the Pharmacy Law and requires the secretary to erase names of pharmacists who have died or have forfeited their right to do business and to make changes in the register as to any change in the place of business or the name of the business.

This bill would revise these provisions by deleting existing provisions and would require the executive secretary to maintain and update in a timely fashion records containing the names, titles, qualifications, and places of business of all persons coming under the provisions of the Pharmacy Law.

Existing law authorizes the State Board of Pharmacy to adopt regulations permitting the dispensing of emergency drugs pursuant to a prescription given by a person licensed to prescribe in a state other than California.

This bill would authorize the board to adopt regulations permitting the dispensing of drugs or devices pursuant to a prescription of a person licensed to prescribe in a state other than California where the person, if licensed in California in the same licensure classification would, under California law, be permitted to prescribe drugs or devices and where the pharmacist has interviewed the patient to determine the authenticity of the prescription.

Existing law requires each written prescription for a controlled substance or for a preparation containing 1 or more controlled substances to be set forth on a separate prescription blank.

This bill would delete that provision.

Existing law requires a pharmacist dispensing an oral prescription for a Schedule II drug for a patient in a licensed skilled nursing facility or intermediate care facility under specified conditions to complete a triplicate prescription form, as specified, and endorse the triplicate on the reverse with specified information.

This bill would delete the requirement that the specified information be endorsed on the reverse of the triplicate.

The bill would also make technical and corresponding changes.

**Ch. 114 (SB 169) Russell. Peace officers: airport officers**

Existing law provides that any person regularly employed as an airport officer by the city or county operating the airport is a peace officer with specified duties and powers.

This bill would provide that any person regularly employed as an airport law enforcement officer by a county, city, district, or joint powers agency operating an airport is a peace officer.

This bill would express the intent of the Legislature to not affect laws relating to employee benefits.

**Ch. 115 (SB 193) Presley. California Youth Authority.**

Existing law provides that the purpose of the provisions of law establishing the California Youth Authority is to "protect society more effectively by substituting for retributive punishment methods of training and treatment directed toward the correction and rehabilitation of young persons found guilty of public offenses."

This bill would repeal this statement of purpose and provide instead that the purpose of the provisions is to "protect society from the consequences of criminal activity and to such purpose training and treatment shall be substituted for retributive punishment and shall be directed toward the correction and rehabilitation of young persons who have committed public offenses."

**Ch. 116 (SB 972) Johnson. County surveyor. qualifications.**

Existing law provides for an elected or appointed county surveyor in each county and requires that the person elected or appointed be a licensed land surveyor or registered

civil engineer of the state.

This bill would, instead, require that the county surveyor be a person authorized to practice land surveying in this state

Ch. 117 (SB 1064) Johnson. McCloud Community Services District hydroelectric generation.

Under existing law, community services districts may exercise specified powers, including providing the inhabitants of the district with water, but a community services district has no authority to provide for the generation of hydroelectric power.

This bill would authorize the McCloud Community Services District to construct, maintain, and operate plants, which are constructed after the effective date of the bill, for the generation of hydroelectric power in a manner consistent with the district's storage, transmission, and distribution of irrigation and domestic water, and would provide for related matters.

The bill would make legislative findings and declarations in that connection

Ch 118 (SB 781) Mello Real estate licensees.

Existing law requires real estate licensees, on and after January 1, 1981, to meet continuing education requirements, as specified

This bill would exempt from these continuing education requirements any real estate licensee who submits proof satisfactory to the commissioner that he or she has been a real estate licensee in good standing, as defined, for 30 continuous years in this state and is 70 years of age or older

This bill would take effect immediately as an urgency statute

Ch 119 (AB 586) Frazee Municipal courts San Diego County

Existing law specifies the provisions for compensation, manner of appointment, and tenure of specified municipal court personnel in the North County Judicial District

This bill would revise the provisions for compensation, manner of appointment, and tenure of specified municipal court personnel in the North County Judicial District

Ch. 120 (SB 1147) Garamendi School districts lapsation

(1) Under existing law, a school district which has been organized for more than 3 years shall lapse, as specified, if the number of registered electors in the district is less than 6 or if the average daily attendance of the pupils in the schools is less than 6 in grades 1 to 8, or less than 11 in grades 9 to 12, with certain specified exceptions.

This bill would, in addition, require school districts to lapse which have been organized for more than 3 years if there are no school facilities or sites on which to maintain any school in the district.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) This bill would take effect immediately as an urgency statute

Ch 121 (SB 1091) Robbins Insurance

Existing law provides that the obligations imposed by the Insurance Information and Privacy Protection Act shall apply to insurance institutions, agents or insurance-support organizations which engage in certain transactions or activities on or after July 1, 1981, as specified.

This bill would provide that these obligations apply to insurance institutions, agents or insurance-support organizations which engage in those transactions or activities on or after October 1, 1981

The bill would also alter the definition of the term "adverse underwriting decision" as it is used in the Insurance Information and Privacy Protection Act in the case of property or casualty insurance coverage

Chapter 1214 of the Statutes of 1980 enacted the Insurance Information and Privacy Protection Act, to become operative July 1, 1981 Chapter \_\_\_\_\_ of the Statutes of 1981

(A.B. 268) revised various provisions of this act and specified that it would become operative on October 1, 1981, as an urgency statute.

This bill would delete the provision in Chapter \_\_\_\_\_ which specifies its provisions shall become operative on October 1, 1981.

This bill would take effect immediately as an urgency statute.

**Ch. 122 (SB 357) Sieroty. Motions and applications.**

Under existing law, a notice of motion for an order transferring a civil action from a court having jurisdiction to a proper court must be accompanied by an affidavit of merits.

This bill would eliminate that requirement.

Under existing law, certain motions and applications to amend a pleading, or to be relieved from a judgment, order, or other proceeding taken against a person by mistake, inadvertence, surprise, or excusable neglect, must, in some circumstances, be supported by an affidavit.

This bill would provide that for such motions no affidavit or declaration of merits shall be required of the moving party.

**Ch. 123 (SB 406) Sieroty. Marriage: summary dissolution.**

Existing law delineates a procedure for the summary dissolution of marriage when all of specified conditions exist at the time the proceeding is commenced. One of the conditions is that neither party has any interest in real property wheresoever situated.

This bill would except from the foregoing condition the lease of a residence occupied by either party, if it does not include an option to purchase and if it terminates within 1 year from the filing of the petition.

**Ch. 124 (SB 1058) Speraw Teachers' Retirement System, State: generally.**

The State Teachers' Retirement Law generally prescribes retirement benefits for all teachers employed in the public grade schools in the state

This bill would delete obsolete provisions, make technical changes, and revise and recast various provisions relating to disability, death, and family allowances.

**Ch. 125 (SB 989) Boatwright. County Employees Retirement Law of 1937 benefits.**

The County Employees Retirement Law of 1937 presently authorizes Contra Costa County to provide an alternative system of benefits for persons who become members after that plan is adopted by the board of supervisors.

This bill would provide that those provisions shall not be applicable to any member who returns after a layoff unless the member had previously requested to be subject to the alternative plan.

**Ch. 126 (SB 188) Ayala. Municipal courts: San Bernardino County.**

Existing law provides for a council of supervising judges to administer the San Bernardino County Municipal Court.

This bill would eliminate the council of supervising judges of the San Bernardino County Municipal Court and provide for the judges of the district to administer the court.

**Ch. 127 (SB 298) Vuich. Executors and administrators: bonds.**

Under existing law, an executor or administrator of a decedent's estate must execute a bond to the State of California, unless otherwise waived, as surety that the executor or administrator will faithfully discharge his or her duties in accordance with the law. The bond generally is for an amount of not less than twice the value of the personal property and twice the value of the probable yearly income from real property in the decedent's estate, as ascertained by the court. The executor or administrator is required to be allowed the cost of such bond not exceeding \$20 for the first \$4,000 of the bond and up to 1/2 of 1% of the amount of the bond over \$4,000.

This bill would increase the \$20 allowance for the first \$4,000 of the bond to \$50

Ch. 128 (AB 405) Wray. Cal-Vet: solar energy devices for disabled veterans.

Existing provisions of the Veterans' Farm and Home Purchase Act of 1974 permit the Department of Veterans Affairs to expend up to \$55,000 for acquisition or construction of a home for sale to a veteran, and up to \$5,000 in excess of this amount in the case of acquisition or construction of a home equipped with solar energy heating devices. Other provisions require the department to set aside 10% of the amount of the bonds issued under the Veterans Bond Act of 1980 and subsequent acts for the acquisition, construction, or improvement of homes equipped with or to be improved by the installation of solar energy heating devices, and specifies that solar energy heating devices for swimming pools, hot tubs, saunas, and spas, shall not qualify for expenditure pursuant to this provision.

This bill would specify that the provision permitting the department to spend not more than \$5,000 to acquire or construct a home equipped with solar energy heating devices shall not apply to solar energy heating devices for swimming pools, hot tubs, saunas, and spas, except in the case of veterans who were wounded or disabled as a result of their service who provide medical evidence satisfactory to the department that heating for a pool, hot tub, sauna, or spa, is therapeutically necessary.

Ch. 129 (AB 552) Berman. School district revenue limits.

Existing law provides a method of computing apportionments to school districts for the 1980-81 fiscal year based upon the calculation of a revenue limit for each school district. This calculation includes a specified reduction based on a recomputation of the revenue limits for the 1979-80 fiscal year, excluding certain amounts received for fiscal year 1978-79 for purposes of child development.

This bill would eliminate this reduction, but provide for a permanent adjustment, as specified, in the calculation of a revenue limit for each school district for the 1980-81 fiscal year and each year thereafter.

The bill would appropriate \$15,200,000 from the ~~Reserve for Economic Uncertainties~~ [contingency reserve for economic uncertainties]\* in the General Fund to Section A of the State School Fund for specified purposes.

The bill would take effect immediately as an urgency statute.

Ch. 130 (AB 924) Goggin. Parklands: coastal resources grant program: administrative costs.

Pursuant to existing law, \$900,000 in the aggregate of moneys in the Parklands Fund of 1980 is available for appropriation during the 1980-81, 1981-82, and 1982-83 fiscal years, but not exceeding \$350,000 in any 1 such fiscal year, to the State Coastal Conservancy for expenditure for the administration of a coastal resources grant program.

This bill would amend and supplement the Budget Act of 1980 by adding a section thereto to appropriate \$200,000 from that fund to the State Coastal Conservancy for that purpose, provided that \$92,500 of that amount is for reimbursement of the State Coastal Conservancy Fund for ~~coastal resources local assistance grants~~ [administrative costs incurred in the 1980-81 fiscal year], and provided further that any amount in excess of the \$92,500 may be encumbered by the coastal conservancy only as specified.

The bill would take effect immediately as an urgency statute.

Ch. 131 (SB 220) Vuich. Motor vehicles: cotton module mover.

Under existing law, until July 1, 1984, cotton module movers are authorized to carry a gross weight on each set of tandem axles in excess of 34,000 pounds, on any county highway in specified counties, unless the board of supervisors having jurisdiction over the county highway adopted a resolution prohibiting or limiting the operation of any cotton module mover exceeding the allowable axle weight limits on that county highway or all county highways under its jurisdiction. These provisions are repealed on July 1, 1984.

This bill would make a technical, clarifying change in these provisions.

The bill would take effect immediately as an urgency statute.

Ch. 132 (AB 2219) Tucker. Public Employees' Retirement System: generally

(1) The Board of Administration of the Public Employees' Retirement System also administers the Public Employees' Medical and Hospital Care Act.

This bill would appropriate \$393,300 to the board for expenditure for use and support during the 1980-81 fiscal year from specified funds in augmentation of Items 143, 144, and 486 of the Budget Act of 1980.

(2) The Public Employees' Retirement Law generally limits annual cost-of-living adjustments to 2%.

This bill would increase allowances with respect to state members, other than school members, who retired or died prior to January 1, 1981, by an additional 4% on July 1, 1981, until April 1, 1982. The bill would increase the state contributions to the retirement fund which are appropriated monthly.

(3) The bill would take effect immediately as an urgency statute.

Ch 133 (AB 250) Vasconcellos. Fiscal affairs.

(1) AB 251 of the 1981-82 Regular Session would eliminate the requirement that school districts provide training programs and would make the programs optional.

This bill would require that, if driver training is made available, no tuition can be charged.

(2) AB 251 of the 1981-82 Regular Session would revise the annual adjustments in the amount of reimbursement for local jurisdictions for revenue loss by reason of certain personal property exemptions, commencing with the 1982-83 fiscal year.

This bill would specify adjustments for the 1981-82 fiscal year in conformity with the Budget Act for 1981 and SB 102 of the 1981-82 Regular Session.

(3) SB 102 of the 1981-82 Regular Session would require, pursuant to prescribed formulas, a reduction in the amount of the distribution to cities and counties of certain amounts of money contained in the Motor Vehicle License Fee Account in the Transportation Tax Fund. SB 102 also eliminates the distribution to cities and counties of specified amounts of money contained in the Alcohol Beverage Control Fund, the Highway Carriers' Uniform Business License Tax Account, and the Financial Aid to Local Agencies Fund.

This bill would make technical changes in the formula for the reduction in distributions from the Motor Vehicle License Fee Account and would make the elimination of the distributions described above operative on July 1, 1981.

(4) Chapter 69 of the Statutes of 1981 (SB 633) specifies the state and county share of the cost for Short-Doyle services. AB 251 of the 1981-82 Regular Session would provide for waiver of the county share, as specified, but would also supersede the provisions of Chapter 69 with respect to certain matching requirements.

This bill would restore the requirements of Chapter 69 and integrate them with the provisions of AB 251.

(5) AB 251 specifies the amount of assistance to be provided from the County Health Services Fund for health services plans of counties and specified local agencies.

This bill would conform the amounts provided thereby to the amounts appropriated therefor in the Budget Act of 1981.

(6) AB 251 and AB 777 of the 1981-82 Regular Session would make certain appropriations, as specified.

This bill would eliminate these appropriations.

(7) This bill would make additional technical changes and specify the operative date of certain provisions of this bill and SB 102.

To take effect immediately, urgency statute.

Ch. 134 (SB 1080) Presley. Regulated transactions: mobilehomes

Under existing law, "unpaid balance," for the purposes of the Automobile Sales Finance Act, is defined as the difference between the cash price and the downpayment plus all insurance premiums, with certain exceptions, and the total amount to be paid for fees and charges, as specified, including the amount of any city, county, or city and county imposed fee or tax for a mobilehome, and the amount of any mobilehome escrow fee.

This bill would eliminate the amounts relating to local fees and taxes for a mobilehome and mobilehome escrow fees from the computation of the unpaid balance, as this term is used under the Automobile Sales Finance Act.

Under existing law, every conditional sale contract for the sale of a motor vehicle is required to contain specified items of information including the costs and terms of payment for the buyer. Among the items of information to be included in the contract are the amount of any city, county, or city and county imposed fee or tax for a mobilehome, and the amount of any mobilehome escrow fee.



This bill would eliminate these items from the types of information which are required to be stated in every conditional sale contract for the sale of a motor vehicle

Existing law permits the use of a separate document for agreements governing the ownership of the towbar, wheels, wheelhubs, and axles of a mobilehome and for escrow instructions relating to the sale of mobilehomes, as specified, as an exception to the general requirement that all agreements of the buyer and seller with respect to the cost and terms of payment under a conditional motor vehicle sale contract be contained in a single document. In addition, the removal of these specific parts from the mobilehome by the dealer or transporter in absence of such an agreement is prohibited. Finally, any price quoted for a mobilehome in a conditional sale contract, purchase order, or security agreement is required to state whether the price includes or excludes these automobile parts, and in the event of the latter circumstances, the price must show a deduction for the cost of these parts.

This bill would repeal these provisions.

This bill would make other conforming changes in the provisions relating to conditional motor vehicle sale contracts under the Automobile Sales Finance Act.

Existing law provides that no conditional sale contract for the sale of a motor vehicle may provide for the inclusion of title to or a lien upon any property, except as specified.

This bill would additionally exempt from this prohibition, any agreement made with respect to a mobilehome sold prior to July 1, 1981, which provides for a security interest in the real property on which the mobilehome is installed on a foundation system, as defined.

Existing law provides that it is neither necessary nor effective, to file a financing statement to perfect a security interest in property which is subject to the provisions of the Vehicle Code requiring registration of a vehicle or boat, except during any period when the collateral is inventory.

This bill would extend the application of these provisions to perfection of a security interest in property which is subject to the registration requirements for mobilehomes and commercial coaches pursuant to the Health and Safety Code.

This bill would make additional changes in Section 2982 of the Civil Code as proposed by AB 1973 to be operative only if this bill and AB 1973 are chaptered, AB 1973 becomes effective on or before July 1, 1981, and this bill is chaptered after AB 1973.

This bill would take effect immediately as an urgency statute; however, its provisions would be operative July 1, 1981

#### Ch. 135 (AB 499) McAlister Child abuse reporting.

Under existing law, child care custodians, medical practitioners, nonmedical practitioners, and employees of a child protective agency are required to report instances of suspected child abuse, as specified. All of the foregoing persons, except employees of a child protection agency, are exempted from all civil and criminal liability in connection with such reports. However, employees of a child protective agency are immune from liability for false reports only insofar as it cannot be proven that a false report was made and the person reporting knew or should have known that the report was false.

This bill would extend the absolute exemption from civil and criminal liability to include employees of child protective agencies.

It would also make technical changes.

It also would take effect immediately as an urgency statute.

#### Ch. 136 (AB 426) L. Stirling. City elections.

(1) Existing statutes governing the qualification and submission of measures proposing to amend or repeal a city charter do not contain detailed provisions concerning the circulation and processing of petitions or the submission of these measures to the voters.

This bill would substantially revise this existing law by requiring the proponents of these petitions to publish or post a notice of intent to circulate the petition. It would also require the petition sections to conform to certain print size, to include an affidavit of the circulator, to conform to certain size requirements, and for the sheets thereof to be fastened together.

The bill would substantially conform the processing, verification, and preservation of the petitions to the requirements currently applicable to city initiative petitions. It would prescribe revised dates for the submission of the petitions to the clerk. It would

provide that petitions which do not substantially conform to the form requirements prescribed by law shall not be accepted for filing by the city clerk, and it would revise the procedure for qualifying petitions and the conduct of elections concerning the proposed charter amendment or repeal.

(2) Existing law generally requires that vacancies on a city council be filled by appointment by the remaining council members, but permits the enactment of a city ordinance requiring vacancies on the council to be filled at a special election.

This bill would extend the application of the above-mentioned ordinance to vacancies in a city council office designated as the office of an elective mayor.

**Ch. 137 (AB 292) Thurman. Public administrators.**

Existing law requires the public administrator to procure letters of administration upon the estate of a decedent in like manner and on like proceedings as letters are issued to other persons, if the public administrator is entitled to administer the estate.

This bill would make no substantive change in that provision but would relocate it in another section of the Probate Code.

Existing law authorizes a public administrator to make an immediate search for a will and burial instructions when he or she takes charge of a decedent's estate.

This bill would also authorize a public administrator to make an immediate search for assets and to be provided by any person, bank, corporation, or other financial institution information concerning the assets held in the sole name of the decedent.

**Ch. 138 (AB 187) Johnson. Identification cards**

Under existing law every deceptive identification document, as defined, must have printed at the bottom the words "NOT A GOVERNMENT DOCUMENT."

This bill would require the words "NOT A GOVERNMENT DOCUMENT" to (1) appear diagonally across the face of the document instead of at the bottom of the document, and (2) be printed in permanent ink.

This bill would take effect immediately as an urgency statute.

**Ch. 139 (AB 78) McAlister. Eminent domain: special assessment liens.**

Under existing law, the person seeking to take property by eminent domain is required to name as a defendant, except as otherwise specifically provided, any person who has an interest in the property, including the holder of a lien that secures a special assessment or a bond. The holder of the lien is authorized, in lieu of filing an answer to the plaintiff's complaint, to make a specified certification to the court, on or before the date set for trial, concerning the lien, the property encumbered by the lien, the amount of the lien, and information regarding payments on the lien.

This bill would require the certification, if made in lieu of an answer, to be made within 30 days after service of the summons and complaint on the holder, would require a copy of the certification to be sent to all parties to the proceeding, and would specify that the filing of the certification or answer constitutes a general appearance.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claim to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 140 (AB 5) Felando. Juvenile court law.**

Existing law provides that although as a general proposition juvenile court hearings are not open to the public, members of the public shall be admitted to juvenile court wardship hearings concerning minors charged with certain enumerated offenses, such as murder, arson of an inhabited building, and armed robbery.

This bill would expand the classes of offenses that would require a public hearing. It would, however, require a closed hearing if the minor is charged with certain sex offenses, (1) on motion of the district attorney at the victim's request and (2) during the victim's testimony if the victim was under 16 years of age at the time of the offense.

Ch. 141 (SB 182) Greene. County ordinances: date effective.

Under existing law, certain specified types of county ordinances become effective immediately upon passage; all others become effective 30 days from final passage.

This bill would include among the type of county ordinance to take effect immediately, an ordinance relating to the adoption or implementation of a memorandum of understanding with an employee organization.

The bill would take effect immediately as an urgency statute.

Ch. 142 (AB 328) Alatorre. Shorthand reporters.

Existing law provides that all certificates for shorthand reporters issued by the Certified Shorthand Reporters Board expire at 12 midnight on April 30 of each odd-numbered year if they are not renewed.

This bill would provide for expiration of these certificates on an annual basis.

Existing law requires the Certified Shorthand Reporters Board to establish a Transcript Reimbursement Fund for the purpose of reimbursing the costs of shorthand reporter transcripts incurred by indigent and low-income persons. This program provides for the reimbursement of the cost of preparing an original and a copy of a transcript of either court or deposition proceedings, or both.

This bill would permit reimbursement of the cost of only a copy of such a transcript, where appropriate.

Existing law provides that documentation accompanying an invoice for reimbursement for shorthand reporting services provided to low-income litigants, which establishes any of the facts as specified, will be presumed sufficient to establish entitlement for reimbursement from the Transcript Reimbursement Fund.

This bill would provide that this presumption would apply to documentation establishing all of the facts specified.

This bill would further provide that one of the facts to be established by the invoice or the accompanying documentation in order for the presumption of entitlement to reimbursement to apply, is that the certified shorthand reporter to be reimbursed was a licensed certified shorthand reporter at the time the services were rendered.

Existing law provides that the initial fee for a shorthand reporter's certificate is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than 1 year after its issuance, then the fee is 50% of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued or \$50, whichever is greater.

This bill would provide that this exception applies if the shorthand reporter's certificate will expire less than 180 days rather than 1 year after its issuance thereby requiring the payment of additional initial fees.

Existing law provides that the Certified Shorthand Reporters Board shall fix the renewal fee for a shorthand reporter's certificate in an amount appropriate to meet the operational expenses of the Transcript Reimbursement Fund, at no more than \$125 nor less than \$10 annually.

This bill would create an exception providing that any person who is employed full time by the State of California as a hearing reporter and who does not otherwise render shorthand reporting services for a fee shall be exempt from licensure while in state employment and shall not be subject to specified renewal fee provisions until 30 days after leaving state employment.

Existing law provides that all fees received by the Certified Shorthand Reporters Board and deposited in the Shorthand Reporters' Fund are continuously appropriated to carry out the provisions relating to certified shorthand reporters.

The increased fees provided in this bill would result in increased money in the fund available for appropriation.

This bill would take effect immediately as an urgency statute.

Ch. 143 (SB 1098) M. Garcia. Medical information.

Existing law limits the acquisition or disclosure of medical information, in certain circumstances, without the signed written authorization of the patient.

This bill would permit a parent, conservator, or guardian of a minor to sign the authorization for the release to an employer or prospective employer of medical information derived from a preemployment physical of a minor.

This bill would take effect immediately as an urgency statute, but would become

operative July 1, 1981, to coincide with the operative date of the Confidentiality of Medical Information Act. The bill also would suspend the operation of that act until January 1, 1982.

**Ch. 144 (AB 627) Tucker. Personal property brokers.**

Existing law requires personal property brokers to maintain and preserve their books, accounts, and records.

This bill would provide that personal property brokers need not maintain or preserve their original records, provided any information requested by the Commissioner of Corporations can be furnished within 48 hours excluding weekends and holidays.

Existing law provides that upon full repayment of a loan, personal property brokers are required to release all security for the loan, endorse and return any certificate of ownership, and cancel and return to the borrowers all evidences of indebtedness, with specified exceptions.

This bill would provide that this requirement does not apply to an open end loan with respect to which there is no balance outstanding if the open end loan agreement continues in effect.

With certain exceptions, existing law prohibits advance payment of charges and compounding for loans made pursuant to the Personal Property Brokers Law and requires the broker to deliver to the borrower at the time of each loan advance an amount to be retained by the borrower equal to the face value of the loan and the note evidencing the loan.

This bill would eliminate the provision that the loan advance be retained by the borrower, and provides that the broker deliver the face amount of the loan either to the borrower or at the borrower's direction.

Existing law provides that charges imposed under the Personal Property Brokers Law include any profit or advantage to a broker which is obtained by a collateral sale, purchase, or agreement made or arranged in connection with any loan.

This bill would provide that insurance on tangible property offered as security, which complies with specified criteria, shall not be deemed to be a collateral sale, purchase, or agreement with regard to charges imposed by personal property brokers.

Existing law permits personal property brokers to collect the cost of a lot book report purchased in lieu of title insurance.

This bill would provide that the cost of this lot book report would not be considered to be a charge and would not be used in determining the maximum charges which may be imposed by brokers.

Existing law provides that upon receipt of a cash payment on a loan or upon request at the time of payment, a personal property broker is required to deliver to the person making the payment, a receipt showing the total amount received, identifying the loan contract affected, and stating the unpaid principal balance of the loan.

This bill would eliminate the requirement that the unpaid principal balance of the loan be reflected in the receipt prepared by the broker.

Under existing law, specified provisions of the Personal Property Brokers Law relating to the refund of precomputed charges upon full payment or acceleration of the unpaid balance of a loan which is payable in equal consecutive monthly installments, are not applicable to loans of a principal amount of \$10,000 or more, or to commercial loans, as specified.

This bill would require the refund of unearned interest on noncommercial loans of an original principal amount of \$10,000 or more, where charges have been precomputed, as specified, and the loan has been prepaid in full or has been accelerated for any reason. The bill would further provide that this provision would not apply to charges paid by the borrower to the lender or others, such as charges which are computed as a percentage of the loan and are fully earned upon making the loan.

Existing law provides that the Commissioner of Corporations may by order summarily suspend or revoke the license of a personal property broker if he fails to pay the prescribed license fee within 10 days after notice by the commissioner. It is further provided that, if a written request for a hearing is filed subsequent to the commissioner's order and the hearing is not held within 60 days, the order is deemed rescinded as of its effective date.

This bill would eliminate these provisions.

This bill would also make clarifying, nonsubstantive changes.

**Ch. 145 (AB 565) L. Stirling. Pedestrians roller skating.**

Under existing law, there are no provisions expressly prohibiting or restricting persons from roller skating.

This bill would authorize a city or county to adopt rules and regulations by ordinance regulating persons engaged in roller skating on a highway, sidewalk, or roadway.

**Ch. 146 (AB 1744) Alatorre. Employment: age discrimination.**

Existing law provides that it does not constitute age discrimination to require an employee who has attained age 65 to retire if the employee is serving under a contract of unlimited tenure or similar arrangement at an institution of higher education. On or after July 1, 1982, the provision will apply only to employees who have attained age 70. Existing law also permits the compulsory retirement of an employee who has attained age 65 if he is employed in a bona fide executive or a high policymaking position for a 2-year period and is entitled to a specified retirement benefit.

This bill, in addition, would permit the compulsory retirement of any physician employed by a professional medical corporation who has attained age 70.

**Ch 147 (AB 356) Bosco. Air pollution: district regulations.**

Under existing law, air pollution control districts and air quality management districts are authorized to establish a permit system for the building, erection, alteration, replacement, operation, or use of any article, machine, equipment, or contrivance which may cause the issuance of air contaminants. The permit system is required to ensure that the article, machine, equipment, or contrivance for which the permit is issued does not prevent, or interfere with, the attainment or maintenance of any air quality standard.

This bill would make any district regulation requiring a reduction in emissions from any article, machine, equipment, or contrivance effective for that article, machine, equipment, or contrivance 5 years after the date of the permit to operate if the authority to construct has been issued prior to adoption of the regulation.

The bill would apply to an authority to construct issued on or after January 1, 1981, if construction has commenced within 2 years of the date of the authority to construct or if the applicant has, in good faith reliance upon the permit issued, performed substantial work or incurred substantial liability.

**Ch. 148 (AB 1090) D. Stirling. Financing statement.**

Existing law provides that a financing statement which is required to be filed in order to perfect a security interest must contain, among other items of information, a statement indicating the types or describing the items of collateral to be used to finance the transaction.

This bill would specify the required form for a financing statement which is filed as a fixture filing or covers collateral consisting of timber, minerals, or similar resources or products, or accounts, as specified.

Existing law provides that a financing statement which is in substantial compliance with specified disclosure requirements is effective even though it contains minor errors which are not seriously misleading.

This bill would provide that a financing statement covering timber, minerals, or certain accounts, as specified, or filed as a fixture filing, is required to contain a specified recital of information in order to be effective.

Existing law provides that prior to the expiration of the 5-year period of effectiveness for filed financing statements, a continuation statement may be filed by the secured party.

This bill would require that with respect to an original financing statement involving collateral consisting of timber, minerals or similar resources or products, a continuation statement must continue to include, as required in the original statement, identification of the type of collateral and the name of the record owner of the real estate where the debtor does not have an interest of record.

This bill would take effect immediately as an urgency statute.

**Ch. 149 (AB 159) Kafiloff. Special education.**

(1) Existing law provides for procedural due process protections in the education of individuals with exceptional needs, including administrative hearings at the state level which may be preceded by informal meetings, mediation conferences, or both. The law currently prohibits the use of certain attorney services by a public education agency during any part of a mediation conference or state level hearing, unless the agency, in initiating the use of these services, pays the costs of attorney services, as specified, incurred by the parent of the individual with exceptional needs, or unless the parent of the individual with exceptional needs initiates the use of attorney services.

This bill would make nonsubstantive revisions in existing law by making cross-references to the above provisions pertaining to the use of attorney services in the provisions pertaining to general procedure for mediation conferences and state hearings involving children with exceptional needs.

(2) Existing law provides that a party is not precluded from exercising the right to appeal to a court of competent jurisdiction a decision of a state hearing held pursuant to specified laws regarding procedural due process protection in the education of individuals with exceptional needs. In addition, existing law permits any party appealing an administrative decision to seek a stay of enforcement of the administrative order in a court of competent jurisdiction. Existing law also requires written parental consent prior to the placement of a child in a special education program.

This bill would declare that an appeal by a public education agency or parent shall not operate as an automatic stay of enforcement of the final administrative determination in such cases. It would also declare that a party is precluded from seeking such a stay from a court of competent jurisdiction, as provided in existing law, and that the requirement in existing law for parental consent to placement in a special education program would remain in effect.

**Ch. 150 (SB 282) Ellis Warranties.**

Existing law requires a manufacturer, distributor, or retailer making express warranties of consumer goods to state the warranties in readily understood language and to clearly and conspicuously incorporate on the face of a work order or repair invoice, or on an attachment thereto, a statement informing the buyer of certain rights as specified concerning warranty repairs.

This bill would provide that the required statement shall be placed either on the face of a work order or repair invoice, or on the reverse side thereof, or on an attachment thereto. If the required statement is placed on the reverse side of a work order or repair invoice, the bill would require the face of the work order or repair invoice to give notice of that fact, as specified.

This bill would take effect immediately as an urgency statute.

**Ch. 151 (SB 679) Petris Schools: community colleges: classified employees.**

Under existing law, if the governing board of any school district or community college district establishes positions and restricts the initial appointment of new employees to persons having mental handicaps, then such positions are required, in addition to the regular class title, to be classified as restricted. These positions are part of the classified service and persons employed in these positions are classified employees for all purposes except that they are not to acquire permanent status or seniority credit and are not eligible for promotion into the classified service, except as provided by statute.

This bill would extend these provisions to mentally, physically, or developmentally disabled persons and would specify that these positions are not subject to specified provisions relating to promotional examinations.

**Ch. 152 (AB 306) Vasconcellos. Public retirement systems. benefits.**

(1) The State Teachers' Retirement Law presently prescribes the amount of retirement allowances when a member returns to employment after discontinuance of a disability allowance.

The bill would provide that such a member who again retires with an effective date on or after March 1, 1981, after employment requiring membership in the Public Employees' Retirement System, shall receive a retirement allowance based on service in, and compensation for, that employment. The provision would be repealed on December 31, 1981, unless a later enacted statute deletes or extends that date.

(2) The Public Employees' Retirement Law presently prescribes allowances for sur-

vivors of members who are not covered by the social security system and who die before retirement.

The bill, on and after July 1, 1981, would increase the amount of such allowances for survivors of school members of the Public Employees' Retirement System and would reduce the contribution rate paid by school employers to the Public Employees' Retirement Fund.

(3) The bill would take effect immediately as an urgency statute.

#### Ch. 153 (AB 435) Hannigan Fish.

(1) Under existing law, it is unlawful to take any fish for the sole purpose of removing its eggs.

This bill would create an exception to the above-stated law by providing that it is lawful to take a fish for the purpose of removing its eggs when developing a domesticated brood stock pursuant to regulations promulgated by the Fish and Game Commission.

This bill would also require the commission to determine ownership and regulate distribution of progeny from wild brood stock.

(2) Under existing law, it is unlawful to sell or purchase specified species of fish including sturgeon except for sturgeon imported from without the state and sold within California under commission regulations.

This bill would continue the prohibition against the purchase or sale of sturgeon and specifically provide that it is unlawful to possess sturgeon in any place where fish are bought, possessed for sale, or sold, or where food is offered for sale, or in any truck or other conveyance operated by or for a place so selling or possessing fish. The bill would also provide that in addition to the import exception, sturgeon may be purchased, sold, or possessed when artificially propagated and when raised to be sold for scientific study by a domestic fish breeder or a person who is licensed to engage in cultivating marine life.

(3) Under existing law, the purchase or sale of striped bass is regulated under provisions similar to those contained in (2).

This bill would permit the purchase or sale of striped bass or sturgeon which are live, domesticated fish raised lawfully in any other state, imported into California, and transported or sold under a license obtained from the Department of Fish and Game.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 154 (AB 467) Martinez. Recycling of oil.

The Used Oil Recycling Act prescribes requirements regarding the collection, storage, recycling, use, and disposal of used oil and provides for the registration by the State Solid Waste Management Board of used oil collectors and recyclers, as defined, and certain storage facilities. Any person, except a person collecting from a source owned and operated by the person, maintaining a storage facility for more than 10,000 gallons of used oil annually, is required to register as a used oil collector and to provide a receipt to any person to whom used oil is transferred.

This bill would increase the gallonage requirement to 15,000 gallons before registration as a used oil collector is required and would require a registered used oil collector to provide instead a receipt to any person from whom used oil is received.

#### Ch. 155 (AB 582) Ryan. Motor vehicles: reckless driving: fines.

Under existing law, it is unlawful to drive recklessly, and until July 1, 1982, the minimum fine is \$130 for reckless driving and \$205 for reckless driving causing bodily injury, and the maximum fine is \$500 for reckless driving. After that date, the fines will revert to \$95, \$170 and \$250, respectively.

This bill would delete the July 1, 1982, termination date for the higher fines so that the higher fines will remain in effect on and after that date.

**Ch. 156 (AB 1842) Cramer. Law libraries.**

Existing law does not authorize a board of law library trustees to elect to make all or any of the officers or employees of the law library members of the retirement system which covers the officers and employees of the county in which the law library is established, under specified conditions.

This bill would so provide.

**Ch. 157 (AB 2264) Sebastiani. Arson: rewards.**

Existing law provides for a \$500 reward to be paid from the state funds available to the Department of Forestry for fire protection to any person, except as specified, whose information leads to the arrest and conviction or commitment to a public facility of any person who willfully and maliciously sets fire, or attempts to set fire, to any property included in a state responsibility area.

This bill would increase the reward to \$5,000 and would authorize the department to establish a program to preserve the anonymity of an informant. The bill would also provide that rewards paid under this provision shall be considered an emergency fire suppression and detection expenditure for budgeting purposes.

The bill would take effect immediately as an urgency statute.

**Ch. 158 (AB 2034) Hart. County Employees Retirement Law of 1937: membership.**

The County Employees Retirement Law of 1937 provides that various law enforcement employees are eligible for increased safety membership benefits.

This bill would provide that Santa Barbara County welfare fraud and child support investigators and administrators are not eligible for safety membership.

**Ch. 159 (AB 2166) Bergeson. County Employees Retirement Law of 1937.**

The County Employees Retirement Law of 1937 presently authorizes subrogation actions against third persons injuring county employees.

This bill would require those actions to be commenced within 3 years after the liability of the retirement system to pay benefits is fixed.

**Ch. 160 (AB 1653) Marguth. Public officers.**

Under existing law, the Moscone Governmental Conflict of Interests and Disclosure Act and the Waxman-Dymally Campaign Disclosure Act were superseded by the Political Reform Act of 1974 on January 7, 1975. However, these provisions currently contain language providing for the limited and contingent operation of the respective acts.

This bill would repeal both of these acts.

**Ch. 161 (SB 1079) Holmdahl. Counties: construction contracts: changes.**

Existing law authorizes a county board of supervisors to delegate to the county engineer or other county officer the authority to order changes or additions in the work being performed under county construction contracts, but imposes monetary limits on the cost of changes which may be so ordered. The board of supervisors may authorize the county engineer to order changes or additions not over \$1,000 if the original contract does not exceed \$50,000, or up to 2% of the original contract amount if the original contract exceeds \$50,000, so long as no change order exceeds \$10,000.

This bill would increase the amounts specified, so as to allow changes or additions of not to exceed \$5,000 for contracts not exceeding \$50,000, or up to 10% of the contract price in the case of contracts exceeding \$50,000, so long as no change order exceeds \$25,000.

**Ch. 162 (SB 1071) Holmdahl. Municipal utility districts: revolving funds.**

Under the Municipal Utility District Act, a municipal utility district is authorized to create and administer revolving funds in an amount not to exceed \$30,000.

This bill would raise the authorized amount to \$100,000.

**Ch. 163 (AB 1856) L. Stirling. Public works contracts. payment bonds.**

Existing law requires an original contractor to file a payment bond before beginning performance on any public work pursuant to a contract in excess of \$25,000 which is awarded by a public entity. Existing law also provides that no claim in favor of the original contractor arising out of such a contract shall be audited, allowed, or paid by the public entity awarding the contract unless a payment bond is filed and approved.



This bill would exempt from the above requirements any contract executed on or after March 12, 1974, and performed on or before June 23, 1976, or executed on or after February 5, 1978, and performed on or before April 2, 1981, for disaster damage repair or restoration work if the failure to file the bond is the result of inadvertence or excusable neglect.

The bill would remain in effect only until the 62nd day following final adjournment of the 1981-82 Regular Session of the California Legislature.

This bill would take effect immediately as an urgency statute.

**Ch. 164 (AB 1563) Katz. Eminent domain.**

Under existing law, property acquisitions by the Public Works Board are required to be accomplished by the filing of a condemnation action, except under certain limited circumstances.

This bill would permit, but not require, the board to acquire the property through a condemnation action.

**Ch. 165 (AB 2207) Wray. Common carriers: reduced rate transportation.**

Existing law generally prohibits any common carrier of passengers subject to the jurisdiction and control of the Public Utilities Commission from providing transportation at any rate other than that approved by the commission.

This bill would permit a carrier to provide reduced rate transportation to the elderly and handicapped pursuant to an application for federal funds under the Urban Mass Transportation Act of 1964.

This bill would take effect immediately as an urgency statute.

**Ch. 166 (AB 698) Thurman. Crimes**

(1) Under existing law, victim and witness assistance centers are funded by the state and local governments as specified. On and after January 1, 1983, funding for the continuation of any such center is at the election of the local government served thereby, and state responsibility therefor ceases.

This bill would require a specified report to the Legislature by January 1, 1985, concerning the effectiveness of the centers.

(2) Under existing law, provisions for increases in assessments on fines and forfeitures which are equally divided to assist local victim and witness programs and to indemnify victims of violent crimes when appropriated by the Legislature, and provisions relative to the collection of such increased assessments, terminate January 1, 1982.

This bill would continue such provisions indefinitely, would eliminate the requirement that these funds be divided equally, and would provide for appropriation by the Legislature of an unspecified portion of these funds for the training of sexual assault investigators and prosecutors and assistance to local rape victim counseling centers.

(3) Under existing law, provisions whereby penalty assessments are deposited in the Assessment Fund and transferred as specified would be repealed after a specified date and replaced by other provisions relative to penalty assessments.

This bill would continue the provisions relative to the Assessment Fund indefinitely and increase the assessment and provide for its distribution as specified.

(4) The bill would appropriate \$2,700,000 in augmentation of Item 472, Budget Act of 1980, for payment of claims under the Victims of Violent Crimes Program, as a loan, to be repaid, without interest, during the 1981-82 fiscal year from revenues deposited in the Indemnity Fund.

(5) The bill would take effect immediately as an urgency statute.

**Ch. 167 (SB 79) Johnson. Public utility district: formation in Trinity County.**

Under existing provisions of the Public Utility District Act, the election of the first directors of a public utility district is required to be held within 90 days of the district's formation.

This bill would permit, for any district formed in Trinity County, the candidates for director to appear on the formation election ballot and to be elected as part of the formation process, and would require the candidates for director to be nominated by petition. The bill would repeal these provisions on January 1, 1983.

The bill would take effect immediately as an urgency statute.

**Ch. 168 (SB 361) Alquist. County budgets.**

Existing law expressly authorizes the board of supervisors, by a  $\frac{2}{3}$  vote of the board at any regular or special meeting of which all members have had reasonable notice, to appropriate during the fiscal year revenues from specified sources which are in excess of the amounts set forth in the county budget for that year.

This bill would specifically require that the vote be taken at a noticed public hearing held as a part of such a regular or special meeting and would, additionally, authorize the board by such a  $\frac{2}{3}$  vote, to appropriate unbudgeted revenues from any source during the fiscal year.

This bill would take effect immediately as an urgency statute.

**Ch. 169 (SB 840) Alquist. State government support.**

Under existing law, a budget bill is enacted each year to provide for support of state government.

This bill would amend and supplement the Budget Bill of 1981 (Senate Bill No. 110, as amended in conference, June 15, 1981) by amending various items thereof or adding items thereto, as specified, and making related changes, as specified.

The bill would take effect immediately as an urgency statute.

**Ch. 170 (SB 392) Beverly. Alcoholic beverages: dockside licenses.**

Existing law provides that rights under an on-sale general bona fide public eating place intermittent dockside license which may be issued for certain vessels, including the right to sell alcoholic beverages to the public aboard the vessel, may not be exercised in any county during more than 45 calendar days in any calendar year.

This bill would extend this time period to 100 calendar days in any calendar year.

**Ch. 171 (SB 128) Vuich. Guarantee of credit union share accounts.**

Existing law permits any credit union which is supervised or regulated under the California Credit Union Law to participate in the California Credit Union Share Guaranty Corporation.

This bill would provide that any credit union that is otherwise eligible may also participate in the corporation.

Under existing law, a credit union which becomes a member of the California Credit Union Share Guaranty Corporation is assessed an amount equal to  $\frac{1}{2}$  of 1% of its outstanding shares as shown on its most recent annual report to the Commissioner of Corporations if the total unencumbered amount in the share guaranty fund on March 15 of any year is less than 2% of the total outstanding shares of all participating credit unions as reflected in specified reports.

This bill would provide that the amount of the annual assessment would be prorated during the first year in which the credit union participates as a member of the California Credit Union Share Guaranty Corporation.

Under existing law, a credit union which ceases to participate in the corporation for specified reasons, receives a refund of its membership fee in accordance with the terms prescribed by the bylaws of the corporation.

This bill would permit a refund of only the amount remaining in the account to which the member credit union's fee had been credited.

Existing law provides that a credit union which ceases to participate in the corporation for specified reasons is not entitled to a refund of any regular or special assessments which have been paid into the fund.

This bill would provide that the regular assessment paid in the last year of the credit union's participation as a member of the corporation may be prorated according to the number of months of participation.

This bill would be given retroactive effect to January 1, 1981.

This bill would take effect immediately as an urgency statute.

**Ch. 172 (SB 939) Johnson. Air pollution: basinwide air pollution control councils.**

Existing law establishes a basinwide air pollution control council in each air basin comprised of all or part of 2 or more air pollution control districts.

This bill would authorize any officer or employee of a district within the air basin to act in an advisory capacity for the basinwide air pollution control council.

The bill would take effect immediately as an urgency statute.

Ch. 173 (AB 355) Statham. Cal-Vet: maximum purchase price of farm.

Existing law provides that the maximum purchase price of a farm to the Department of Veterans Affairs for purpose of sale to a veteran under the Cal-Vet Program is \$120,000. Formerly, the maximum purchase price to the department was \$180,000.

This bill would restore the amount of \$180,000 as the maximum purchase price of a farm to the department, declaring that the change to \$120,000 was inadvertent and not the intent of the Legislature.

The bill would take effect immediately as an urgency statute.

Ch. 174 (AB 2233) Frazee Police protection and fire prevention: standby or availability charges.

(1) Existing law permits any local agency, as defined, which provides fire protection or prevention services or police protection services to submit a proposition to the voters proposing the adoption of a standby or availability charge for fire suppression or police protection services. That proposition is required to be approved by two-thirds of the voters voting on the issue.

This bill would provide that a proposal for the creation, within the County of San Diego, of a local agency to provide those services may be combined with a proposal for the adoption of a standby or availability charge and presented to the voters as a single ballot proposition. The proposal would not take effect unless it was approved by two-thirds of the voters voting on the proposition.

(2) Under existing law, a local agency formation commission (LAFCO) has authority to conditionally approve proposed local agency organizations, reorganizations, or changes of organization subject to specified terms and conditions.

This bill would provide that any organization, reorganization, or change of organization described in paragraph (1) above may be conditioned on approval by the voters of a standby or availability charge.

(3) The bill would take effect immediately as an urgency statute

Ch. 175 (AB 1628) Levine. Environmental quality: authorizations for adverse condition improvements.

Existing law generally requires that an authorization be obtained from a public agency for a person to construct, operate, or remove an article, machine, equipment, or contrivance to improve an adverse environmental condition arising from an existing facility.

This bill would provide that the authorization for that purpose may include only those conditions or stipulations related to the improvement of the environmental condition.

The bill would provide that its provisions do not limit (1) the authority of a public agency to require a monitoring program capable of assuring the applicant's conformance with all conditions and stipulations of the authorization, (2) the authority of any public agency under the California Environmental Quality Act, or (3) as to any portion of a project for which an authorization is required that is not essential and directly related to the improvement of the adverse environmental condition, the ability of a public agency to require any conditions or stipulations deemed necessary by the approving agency within the jurisdiction of the agency, including appropriate mitigation measures.

Ch 176 (AB 109) Naylor. Interest rate limitations: college loans.

Under existing law, community colleges, colleges, and universities are not exempt from the interest rate limitations of Article XV of the Constitution.

This bill would exempt educational institutions of collegiate grade from the interest rate limitations of Article XV of the Constitution with respect to loans or forbearances which are made to faculty or staff of these institutions and which are secured by real property consisting of a residential dwelling

In addition, this bill would provide that these educational institutions may make loans to finance student educational expenses, at a rate of interest not exceeding the higher of 10% per annum or 5% per annum plus the rate established by the Federal Reserve Bank of San Francisco on advances to member banks, as specified. This bill would further provide that in the event the institution has obtained a loan specifically in order to make these loans to finance student educational expenses, the rate of interest shall not exceed the lower of the rate determined according to the aforementioned method or 1% in excess of the rate of interest on the loan obtained by the institution, as specified.

**Ch. 177 (SB 1081) Petris. County highways: disposition of excess property.**

Under existing law, the legislative body of a public entity may sell or exchange, upon terms and conditions approved by it, property it owns that is subject to a highway easement and is no longer needed by the public.

This bill would authorize the county board of supervisors to sell or exchange excess real property acquired for highways in the manner and upon the terms and conditions approved by the board. The money received for the real property would be required to be paid to the credit of any fund available for highway purposes designated by the board.

**Ch. 178 (SB 771) Greene. Weights and measures.**

Under existing law, a sealer is required to inspect, try, test, and ascertain the correctness of weights and measures which are used by specified individuals in proving the weight or measurement of articles to be sold by such individuals.

This bill would revise this language to provide that a sealer is required to inspect, try, and test weights and measures sold or used by specified individuals for commercial purposes. "Commercial purposes" would include the determination of the weight, measure, or count of any commodity or thing which is sold on the basis of weight, measure, or count, or the determination of the weight, measure, or count of any commodity or thing upon which determination a charge for service is based. "Commercial purposes" would not include the determination of the weight, measure, or count of any commodity or thing which is performed within a plant or business as a part of the manufacturing, processing, or preparing for market of that commodity or thing.

**Ch. 179 (SB 951) Carpenter. Real estate licenses.**

Existing law, operative until January 1, 1985, requires a real estate licensee to complete specified continuing education requirements as a condition for the renewal of a license.

This bill would require that a real estate licensee on and after January 1, 1983, complete a 3-hour course in ethics, professional conduct, and legal aspects of real estate as a part of the continuing education requirements. The bill would provide that the provision is to be operative until January 1, 1985, and on that date is repealed.

**Ch. 180 (SB 334) Campbell. Open and public meetings: exceptions: State Board of Equalization.**

Existing law authorizes state agencies, including the State Board of Equalization, to hold closed sessions for specified reasons, as exceptions to the requirements that state agencies and legislative bodies of local agencies hold open and public meetings.

This bill would allow the State Board of Equalization to hold closed sessions for the purpose of considering matters pertaining to the appointment or removal of the secretary of the board.

**Ch. 181 (AB 842) Berman. Arbitration.**

Existing law does not require an arbitrator to be assigned a case submitted to arbitration within a specific period of time after the case has been submitted, although Rule 1605 of the California Rules of Court requires that, unless an arbitrator has been designated by stipulation, the arbitrator administrator, within 15 days after a case is placed on the arbitration hearing list, shall select at random at least 3 names of prospective arbitrators from the appropriate panel and provides a method by which an arbitrator will be selected or appointed within a maximum of 10 additional days.

This bill would require an arbitrator to be assigned to hear specified cases within 30 days from the date of their submission to arbitration.

Existing law requires the determination of the amount in controversy, for purposes of specified provisions regarding judicial arbitration of civil actions, to be made and a case submitted to arbitration at any conference at which all parties are present or represented by counsel. The conference is required to be held no sooner than 9 months after the case has been placed on the civil active list and no later than 90 days before trial, whichever occurs first.

This bill would require the conference to be held no later than 3 months after the at-issue memorandum is filed or no later than 90 days before trial, whichever occurs first.

Ch 182 (AB 293) Thurman. Court orders. domestic violence.

Under existing law certain temporary orders, including restraining orders and orders excluding a party from the family dwelling, may be issued on an ex parte basis either during the pendency of specified actions under the Family Law Act or under the Domestic Violence Prevention Act.

This bill would provide that when such an order is granted the matter shall be made returnable on an order requiring cause to be shown why the injunction should not be granted not later than 20 days rather than 15 days or, if good cause appears to the court, 25 days rather than 20 days from the date of the order.

Under existing law, a court may appoint counsel or the district attorney to represent the plaintiff in a proceeding to enforce certain restraining orders issued under the Family Law Act.

This bill would delete the authorization to so appoint the district attorney

It would also specify that the prosecuting agency of each county shall have the primary responsibility for the enforcement of certain restraining orders relating to domestic violence.

It would also make a technical change.

Ch. 183 (SB 1142) Keene. Insurance: grants and annuities societies.

Existing law prohibits organizations and persons operating as grants and annuities societies from transacting business in this state without first procuring a certificate of authority from the Insurance Commissioner for that purpose. Among other things, existing law provides: (1) that certain funds and other property are to be held in a trust fund, (2) that the reserve required by the table of commensurate values for each annuity contract be invested in specified investments and securities, and (3) that the commissioner is empowered to require disposal of investments made in violation of specified provisions.

This bill would provide that such provisions are not applicable to any grants and annuities certificate holders that are also holders of certificates of authority issued to insurers, as specified.

Ch. 184 (AB 1884) L. Stirling. Witness fees.

Existing law authorizes a written notice requesting a witness to attend a particular proceeding, in lieu of a subpoena, under specified circumstances. The use of the notice is limited to the extent that it cannot require the attendance of a witness at a place more than 150 miles from the residence of the witness.

Existing law provides that a witness is not obligated to appear as a witness out of the witness' county of residence unless the distance is less than 500 miles.

This bill would repeal those provisions and related provisions and, instead, would provide that a witness is not obliged to attend as a witness unless the witness is a resident within the state at the time of service.

Existing law provides for witness fees, generally, in the amount of \$12 per day and mileage actually traveled, one way only at 20¢ per mile.

This bill would increase the mileage allowance in a civil action or proceeding by providing for mileage to be paid in traveling ~~each way~~\* both ways and would increase the \$12 per day fee to \$35.

Ch. 185 (SB 1151) Beverly. Local agency funds: state funds: investment.

(1) Existing law specifies the investments that may be made by a local agency with surplus funds and makes provision for investment in obligations issued by banks for cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, the Tennessee Valley Authority, or in obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by the Federal National Mortgage Association or in obligations, participations, or other instruments of or issued by a federal agency or a United States government-sponsored enterprise.

This bill would add to such permissible investments, guaranteed portions of Small Business Administration notes.

(2) Existing law specifies the investments that may be made by a local agency with surplus funds and makes provision for direct investment by a local agency in either commercial paper or certificates of deposit and specifies such investments may be made by a local agency having a population of 100,000 or more

This bill would permit investments in negotiable certificates of deposit for a local agency having a population of 50,000.

(3) Existing law authorizes surplus state moneys to be invested in various specified securities, including negotiable certificates of deposit issued by a nationally or state-chartered bank or savings and loan association.

This bill would, in addition, authorize the investment of surplus state moneys in negotiable certificates of deposit issued by a state-licensed branch of a foreign bank.

**Ch. 186 (AB 2138) La Follette. Property taxation.**

Existing law requires the local assessment roll to show, among other things, the full and complete name and address, if known, of the assessee.

This bill would delete the requirement to show the full and complete name and address of the assessee, and instead only require the name and address, if known, of the assessee to be shown on the local assessment roll.

**Ch. 187 (AB 2117) Johnston. Documents: recordation.**

Existing law authorizes the recorder, whenever the text of a document presented for recordation is not sufficiently legible to reproduce a readable photographic record, to require substitution of a legible original document or preparation of a legible copy by handwriting or typewriting to be certified under penalty of perjury as being a true copy of the original.

This bill would provide that the word "text", as used in such law, includes the notary seal, certificates, and other appendages thereto.

**Ch. 188 (AB 2109) Harris. Juvenile court law.**

Existing law does not specifically provide that the father, mother, spouse or other person liable for the support of a minor and the estate of any such person shall be liable for any cost to the county of legal services rendered directly to any such person in a dependency proceeding.

This bill would so provide.

**Ch. 189 (AB 2106) L. Stirling. Subpoena duces tecum.**

Existing law requires an affidavit containing designated information to be served with a subpoena duces tecum issued before trial. The service of the subpoena duces tecum is invalid unless a copy of the affidavit also is served.

This bill, in addition, as to a subpoena duces tecum which requires appearance and the production of matters and things at the taking of a deposition, would require that a copy of the affidavit and the designation of the materials to be produced is attached to the notice of taking the deposition. The subpoena would be invalid if the above requirement is not met.

**Ch. 190 (AB 2062) Duffy. Property tax: postponement.**

Under existing law, senior citizens are required to file claims for postponement of property taxes on or before December 31 of the fiscal year for which the postponement is claimed. A reasonable extension of time for filing the claim may be granted by the Franchise Tax Board, but not beyond April 15 of that fiscal year.

This bill would change the December 31 filing date to December 10, and would permit the Controller, instead of the Franchise Tax Board, to grant extensions of time for filing claims, not beyond the end of the fiscal year for which postponement is claimed.

**Ch. 191 (AB 2042) Bergeson. County superintendents of schools: revolving cash fund.**

Under existing law a county superintendent of schools may, with the consent of the county board of education, establish a revolving cash fund for the use of the chief accounting officer, the amount of which cannot, in any event, exceed \$10,000.

This bill would instead provide that the amount of the revolving fund cannot exceed \$30,000.

**Ch. 192 (AB 2035) Elder. Judges: Disqualification.**

Existing law provides for the disqualification of a judge for prejudice upon a motion supported by an affidavit or declaration under penalty of perjury.

This bill would entitle such an affidavit or declaration as a "peremptory challenge."

Ch. 193 (AB 2016) Bergeson. School districts: transportation.

Under existing law the governing board of a school district shall secure bids, as specified, whenever a contract for transportation involves an expenditure of more than \$5,000.

This bill would provide instead that bids are required when a contract involves an expenditure of more than \$10,000.

Ch. 194 (AB 2014) Bergeson. School and community college districts: contracts.

School and community college districts are required to utilize competitive bidding in letting contracts involving more than \$8,000 for work to be done, or more than \$12,000 for materials or supplies to be furnished, sold, or leased to the district.

This bill would increase these amounts to \$12,000 and \$16,000, respectively.

Ch. 195 (AB 1986) Johnston. Counties: branch offices.

The law presently requires counties to establish branch offices of the county clerk and the sheriff in any city in the county having a population of 35,000 or more, and located 8 miles or more from the county courthouse.

This bill would delete such requirement.

Ch. 196 (AB 1798) Robinson. Judgments and orders for money.

Existing law provides that a money judgment or order is not stayed upon an appeal thereof unless an undertaking is given on condition that if the judgment or order is affirmed or the appeal withdrawn or dismissed the party ordered to pay shall pay the amount of the judgment or order and costs awarded on appeal. The amount of the undertaking is required to be for twice the amount of the judgment or order unless given by a corporate surety which meets certain requirements in which case the bond may be for  $1\frac{1}{2}$  times the amount of the judgment or order, except as otherwise provided.

This bill would exempt from such provision cases where the money required to be paid by the judgment or order is in the custody of the court and, instead, would require such cases to be governed by a provision which permits a judgment or order to be stayed, upon an appeal, only if an undertaking is given in a sum and upon conditions fixed by the trial court, as specified.

Ch. 197 (AB 1784) McCarthy. Motions: notice.

Under existing law, when a written notice of a motion is required, it is required to be given at least 10 days before the time appointed for the hearing.

This bill would increase the 10-day time period to 15 days and would require all supporting points and authorities, declarations, and other supporting materials to accompany the notice.

This bill would also require responsive papers relative to opposing a motion so noticed to be filed with the court and served on each party at least 5 days before the time appointed for the hearing.

Ch. 198 (AB 1776) Naylor. Schools: classified employees.

Existing law specifies that school recesses during the Christmas and Easter holidays shall not be considered holidays for classified employees of school districts who are normally required to work during that period.

This bill would specify that school recesses during mid-February shall also not be considered holidays for such classified employees.

Ch. 199 (AB 1722) Herger. Marriage license: fees.

Under existing law, a county board of supervisors may impose, in addition to the fee for the issuance of a marriage license, a surcharge of up to \$2 for the issuance of a marriage license outside of the normal business hours.

This bill would increase the authorized amount of the surcharge to \$5.

Ch. 200 (AB 1665) Chacon. County service areas: funds.

Existing law authorizes a county board of supervisors to establish a revolving fund of up to \$500,000 to provide extended services to a county service area.

This bill would increase the authorized maximum amount of a county service area

revolving fund from \$500,000 to \$1,000,000.

The bill would take effect immediately as an urgency statute.

**Ch. 201 (AB 1664) Chacon. Schools: facility fees**

Under existing law, a school district receiving funds for specified interim school facilities is required to file a report to its respective city council and board of supervisors containing the balance in separate account schools must maintain for fees paid, the facilities leased, purchased, or constructed, and the attendance areas that will continue to be overcrowded. This report must be filed by August 1 of each year.

This bill would permit this report to be filed by October 15 of each year.

**Ch. 202 (AB 1656) Baker. Liens**

Existing law provides for a specific lien upon personal property, dependent upon possession, for the compensation a person is due for services rendered with respect to the specific property. This provision for a lien does not apply to any vehicle, as that term is defined in Section 670 of the Vehicle Code.

This bill would restrict the exemption from the lien provision to vehicles which are subject to registration pursuant to the Vehicle Code, thereby extending the provision for a lien to any vehicle not subject to registration under the Vehicle Code

**Ch. 203 (AB 1654) Baker. Grand juries.**

Under existing law, a grand jury must report on fiscal matters of county government within 3 months after the end of the fiscal year.

This bill would extend such period to 6 months.

**Ch. 204 (AB 1645) Farr. Bench warrants.**

Under existing law, various provisions provide for the instances when a bench warrant of arrest may be issued upon failure of a defendant to appear in court.

This bill, in addition, would specify in a single provision the instances when a bench warrant of arrest may be issued.

**Ch. 205 (AB 1303) Moore. Juvenile court law.**

Existing law provides that when a minor willfully misrepresents himself or herself to be 18 years or older when taken into custody by a peace officer or probation officer, and the misrepresentation causes delay in the filing of a detention petition or criminal complaint against the minor within 48 hours, the petition or criminal complaint shall be filed within 48 hours from the time the true age is determined or the minor shall be released from custody.

Existing law provides for release of a minor from custody unless a complaint or petition is filed within 48 hours.

Existing law requires bringing an adult defendant before a magistrate within 2 days, except as specified, and makes various provisions relative to the making of complaints in proceedings before a magistrate.

This bill would provide for the filing of a complaint within 48 hours of the time the true age is determined in the case of an adult who willfully misrepresents himself or herself to be a minor under 18 years of age when taken into custody.

**Ch. 206 (AB 1123) Hughes. Redevelopment reporting.**

Existing law requires every redevelopment agency to annually report as prescribed to its legislative body. Existing law requires the report to include an opinion of the agency's compliance with laws, regulations, and administrative requirements governing activities of the agency, a work program for the coming year, an examination of the previous year's achievements, and recommendations for needed legislation to carry out a program for housing and community development, but authorizes the legislative body to elect to omit from the report any district activity of the agency which is funded exclusively by the federal government and which is subject to audit by a federal agency or instrumentality.

This bill would additionally require the report to include a description of the agency's activities affecting housing and displacement, as prescribed. The bill would further provide that for the purposes of compliance with that report, the description of the agency's activities shall include specified information, irrespective of whether or not



each activity is funded exclusively by the state or federal government

**Ch. 207 (AB 856) Thurman. Highway lighting districts: dissolution.**

Under existing provisions of the Highway Lighting District Act, a highway lighting district may be dissolved by a petition signed by 50 or more property owners and residents if a majority of the voters favor dissolution at an election. A district may also be dissolved by resolution of the board of supervisors if all the territory of the district has been annexed to a maintenance district for street lighting which provides service to the area and assumes all assets and liabilities of the dissolved district.

This bill would authorize the board of supervisors, after a public hearing, to dissolve a highway lighting district where a county service area has been established to provide service to all territory in the district and will assume all assets and liabilities of the dissolved district.

**Ch 208 (AB 825) Wright. Court commissioners: duties.**

Existing law specifies that a municipal court commissioner in Los Angeles County may conduct arraignment proceedings if so directed by the sole or presiding judge.

This bill would specify that such duties would include the issuance and signing of bench warrants.

**Ch. 209 (AB 667) Wright. Gifts: prisoners.**

Existing law prohibits officers or employees of the State Department of Corrections, or contractors or employees of contractors, from making any gift for or presenting any gift to, or receiving a gift from, any prisoner, or having any barter or dealings with a prisoner. A violation of such prohibition by officers or employees of the Department of Corrections would result in termination of employment.

This bill would extend the prohibition to include officers and employees of police departments, members and employees of sheriff's departments, employees of jails or other local governmental custodial correctional facilities, as specified, and would impose the same penalty for a violation of the prohibition.

**Ch. 210 (AB 464) McAlister. Workers' compensation: death benefits.**

Existing workers' compensation law provides that if there is any person wholly dependent for support upon a deceased employee, that person shall receive the entire death benefit, and any person partially dependent shall receive no part thereof.

Other provisions of existing law, enacted in 1980, provide a workers' compensation death benefit, in the case of one total dependent and one or more partial dependents, of \$50,000, plus 4 times the amount annually devoted to the support of the partial dependents, but not more than \$75,000 in total.

This bill would delete the provisions of existing law which are inconsistent with the 1980 amendments and would further specify that if there are 2 or more persons wholly dependent for support upon a deceased employee, those persons shall receive the specified death benefit, and any person partially dependent shall receive no part thereof.

**Ch 211 (AB 326) Levine. Vandalism: cemeteries, mortuaries, and places of worship. penalties.**

(1) Existing law makes it a misdemeanor to maliciously commit prescribed destructive or damaging acts in a cemetery or to disturb, obstruct, detain, or interfere with any person carrying or accompanying human remains to a cemetery or funeral establishment or when engaged in a funeral service or interment. Existing law makes the penalty for such acts punishable by a fine of not less than \$250 nor more than \$1,000, or imprisonment in the county jail for not more than 1 year, or both.

This bill would revise the penalty to make such prescribed acts a crime punishable by imprisonment in the state prison or by imprisonment in the county jail for not more than 1 year. It would, additionally, make such penalty applicable to every person who destroys, cuts, mutilates, effaces, or otherwise injures, tears down, or removes any gate, door, fence, wall, post or railing, or any inclosure for the protection of a mortuary or any property in a mortuary and to every person who destroys, cuts, breaks, or injures any mortuary building.

(2) Existing law makes every person who maliciously defaces with paint or any other

liquid, damages or destroys any real or personal property not his own, guilty of vandalism which is, if the amount of defacement, damage, or destruction is \$1,000, or more, punishable by imprisonment for 6 months in the county jail, imprisonment in the state prison not to exceed 1 year and 1 day, a fine of \$5,000, or both such fine and imprisonment, or if the amount of defacement, damage, or destruction is less than \$1,000, punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both such fine and imprisonment.

The bill would, additionally, make any person who knowingly commits acts of vandalism to a church, synagogue, building owned and occupied by a religious educational institution, or other place primarily used as a place of worship where religious services are regularly conducted guilty of a crime punishable by imprisonment in the state prison or by imprisonment in the county jail for not more than 1 year.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) This bill would take effect immediately as an urgency statute.

#### Ch. 212 (AB 32) Naylor. Wine.

Existing law generally provides that no person shall engage in various commercial transactions or the manufacture or commercial sale of alcoholic beverages unless authorized by a license issued by the Department of Alcoholic Beverage Control.

Existing law provides that an executor or administrator of a deceased nonlicensee's estate, or a guardian or conservator of a deceased incompetent person's estate, in which is included an inventory of alcoholic beverages, may sell such alcoholic beverages to licensees authorized to sell such beverages in accordance with departmental regulations. Existing law also provides that a sheriff or court appointee, pursuant to a writ of execution or a court order, may sell alcoholic beverages only to licensees authorized to sell such alcoholic beverages.

This bill would provide that such executor, administrator, guardian, conservator, or an auctioneer acting as an agent thereof, or a sheriff or court appointee may sell to nonlicensees bottled wine which is included in the alcoholic beverage inventory of the decedent nonlicensee's or incompetent person's estate, or which is included in the alcoholic beverages sold subject to a writ of execution or court order, when a special temporary off-sale license is obtained.

This bill would permit the department to issue to the foregoing parties a special temporary off-sale wine license to sell or auction bottled wine to a nonlicensee, and would require the department to enact the necessary rules implementing the provisions of this bill.

#### Ch. 213 (AB 583) Ryan. Litter.

Existing law requires, with prescribed exceptions, that any city or county or combination thereof submit a specified letter of intent containing certain information to the State Solid Waste Management Board in order to be eligible to receive prescribed funds for litter control and provides that cities or counties that do not submit a letter of intent are ineligible to receive those funds for the duration of the program.

This bill would repeal the latter provisions and instead, permit any city or county, or combination thereof, to become eligible, beginning July 1, 1981, to participate in the funds available for the duration of the program by submitting a letter of intent to the board on or before September 1 of any fiscal year.

The bill would also delete obsolete provisions of law.

The bill would take effect immediately as an urgency statute.

#### Ch. 214 (AB 193) Ryan. Landfill gas technology.

Existing law provides that the ownership or operation of a facility which employs cogeneration technology does not result in the owner or operator becoming a public utility subject to the jurisdiction and control of the Public Utilities Commission or the

provisions of the Public Utilities Act solely because of such ownership or operation.

This bill would provide, in addition, that the ownership or operation of a facility employing landfill gas technology, as defined, for the generation or production of landfill gas or electricity or heat generated or produced therefrom and the sale and delivery thereof to a public utility or to a state or local public agency shall not render the owner or operator an electrical, gas, heat, or pipeline corporation subject to regulation as a public utility by the commission. It would also provide that, in the case of a corporation or person producing landfill gas, if the gas thus produced is too low in quality to introduce into the system of a public utility or public agency, it may be sold to not more than 4 other persons or corporations without rendering the producer subject to regulation as a gas corporation.

The bill would also state the intent of the Legislature in this regard

#### Ch. 215 (AB 1673) Bane Civil procedure. trial

Existing law provides that a civil action shall be granted preference upon the motion of a party who has reached the age of 70 years, except as specified, or, in the discretion of the court, upon the motion of a party presenting specified medical documentation satisfying the court that the interests of justice will be served by such preference; and that the court may in its discretion grant a motion for preference if the interests of justice will be served, as specified.

This bill would provide that, upon the granting of such a motion for preference, the clerk shall set the case for trial not more than 120 days from that date and there shall be no continuance beyond 120 days from the granting of the motion for preference except for physical disability of a party or a party's attorney, or upon good cause stated in the record. A continuance could be for no more than 15 days, and no more than one continuance could be granted to any party.

#### Ch. 216 (AB 2128) Lehman. Special district bonds.

Under existing law, revenue bonds issued pursuant to the Revenue Bond Law of 1941 may bear interest at a rate not to exceed 10% per year.

This bill would permit revenue bonds issued pursuant to that law by the Kings River Conservation District to bear interest at a rate or rates not exceeding 18% per year if, before issuance of the bonds, the governing board of the district determines that the interest on the bonds will be subject to federal income taxation under then existing law.

The bill would also permit bonds of the Solano Irrigation District to bear interest at a rate not exceeding 18% per year if, before issuance of the bonds, the district board determines that the interest on the bonds will be subject to federal income taxation under then existing law.

The bill would take effect immediately as an urgency statute.

#### Ch. 217 (SB 202) Rains. State tax liens.

An existing provision of law, permitting certain documents, including notices of state tax liens, to be recorded without an acknowledgment, certificate of acknowledgment, or further proof, contains cross-references to other provisions of law in the Revenue and Taxation Code and the Unemployment Insurance Code which were repealed and consolidated into the Government Code by Chapter 600 of the Statutes of 1980.

This bill would delete the cross-references to the repealed provisions of law and incorporate cross-references to the consolidated provisions of law.

The bill would take effect immediately as an urgency statute.

#### Ch. 218 (SB 453) Ellis. Savings deposits.

Existing law provides that a commercial bank accepting savings deposits is required to provide by its bylaws or by contract with its savings depositors, the time and condition on which repayment is to be made. In all cases it is required that there be a provision that at the option of the bank, at least 30 days' written notice of a depositor's intention to withdraw any savings deposit may be required.

This bill would eliminate the need to include a provision in a bank's bylaws or in its contracts with its savings depositors, that, at the option of the bank, the bank may require at least 30 days' written notice of a depositor's intention to withdraw any savings deposit.

Ch. 219 (AB 278) Chacon. Education: California Advisory Council on Vocational Education: notification of parents.

Under existing law, the Secretary of the Health and Welfare Agency, among others, is a member of the California Advisory Council on Vocational Education

This bill would, instead, make the Secretary of the Youth and Adult Correctional Agency a member of the council

Existing law provides that when 15% or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 through 12 speak a single primary language other than English, specified material sent to parents or guardians shall, in addition to being written in English, be written in such primary language.

This bill would correct an erroneous cross-reference in these provisions.

Ch. 220 (AB 319) Bosco. Sport fishing.

(1) Under existing law, the Fish and Game Commission, other than pursuant to its general sport fishing regulations, is authorized to close at any time any stream, lake, or other inland waters to the taking of any species of fish to protect and conserve the fish, except for the taking of fish otherwise permitted by the Fish and Game Code under a commercial fishing license.

This bill would extend that authority to opening waters but limit the authority to when facts are presented to the commission which were not presented at the commission's December meeting held to determine sport fishing regulations for the coming season. The bill would state that the purpose of the opening is to properly utilize the fish.

(2) Existing law requires the Office of Administrative Law to review emergency regulations within 10 calendar days after their filing date and to order the repeal of an emergency regulation if it determines that the regulation is not necessary for the immediate preservation of the public peace, health, and safety, or general welfare.

This bill would provide that emergency regulations promulgated by the commission to open or close any stream, lake, or inland waters pursuant to the above-stated provisions would go into effect immediately, but would otherwise be subject to review by the office.

(3) The bill would take effect immediately as an urgency statute.

Ch 221 (AB 389) Papan. School building.

Existing law requires the Department of General Services to pass upon and approve or reject and to supervise the reconstruction, alteration of, or additions to any school building, including school buildings used by the community colleges, if the estimated cost exceeds \$20,000 to ensure that plans and specifications conform to the applicable rules, regulations, and building standards, and that the work has been performed in accordance with those plans and specifications.

This bill would permit, in the case of repairs to school buildings previously approved by the Department of General Services required due to fire damage, the use of the plans and specifications for the original work, approved under then existing rules, regulations, and building standards, without modification.

This bill would take effect immediately as an urgency statute.

Ch. 222 (AB 463) Roos Appropriation: State Board of Control. crime victim claim.

Existing law provides financial assistance to victims of violent crimes, as specified and with specified limitations

This bill would appropriate \$2,500 from the Indemnity Fund to the State Board of Control to pay the psychiatric expense claim related to the rape and assault of Linda J. Ennis.

This act would take effect immediately as an urgency statute.

Ch. 223 (AB 204) Kapiloff Counties: San Diego County

Existing law sets forth the duties of the sheriff's office and the marshal's office with respect to the courts.

This bill would establish a procedure for the consolidation of those services by the board of supervisors of San Diego County, under either agency, upon a specified finding by the board of supervisors and according to determinations made by a majority of the judges of the superior and municipal courts.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for

certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

**Ch. 224 (AB 65) Rosenthal. Pricing consumer commodities.**

Under existing law pursuant to provisions of the Business and Professions Code, a grocery store or grocery department which uses an automatic checkout system and which sells consumer commodities at retail is required, from January 1, 1978, until January 1, 1980, to have a clearly readable price indicated on each consumer commodity offered for sale. "Automatic checkout system" is defined as a computer capable of reading the universal product code or similar code to determine the price of items being purchased.

This bill would repeal the provisions of the Business and Professions Code relating to automatic checkout systems and would reinstate these requirements in the Civil Code, to be effective for an indefinite period of time, with specified changes relative to the consumer commodities subject to item pricing and the giving of notice concerning these items to the public and employees. "Automatic checkout system" would be redefined as a computer capable of interpreting the universal product code or any other code which is on an item offered for sale to determine the price of items purchased, regardless of whether the code entry is accomplished manually by a human or automatically by a machine.

The bill would state the intention of the Legislature to preempt all local ordinances, rules, or regulations concerning item pricing

**Ch. 225 (AB 1865) Cramer. Discovery: admissions**

Existing law authorizes a party to serve upon any other party a written request for the admission of the genuineness of any relevant documents or the truth of any relevant matters of fact set forth in the request. Neither the request nor the responses thereto are to be filed unless the court, on motion and notice and for good cause, so orders.

This bill instead would require the party responding to the request for admissions to serve the original responses upon the party serving the request and would require the party serving the request to retain the original, as specified.

**Ch. 226 (AB 1790) Moore. Penalty assessments**

Under existing law, certain penalty assessments are imposed on fines, penalties, and bail forfeitures for certain offenses.

This bill would specify that when any bail bond is forfeited and a judgment is entered against the bondsman, the judgment shall not exceed the amount of the bond with costs and no penalty assessment shall be levied upon or added to the judgment.

**Ch. 227 (AB 812) Moore. Consumer records. subpoenas.**

Under existing law, to become operative July 1, 1981, except as otherwise stated, when a subpoena duces tecum requiring the production of personal records pertaining to a consumer is served, the subpoenaing party is required to give constructive notice to the consumer whose records are being sought. A "subpoenaing party" is the person causing the subpoena duces tecum to be issued or served in connection with any civil action or proceeding, but not including specified state or local governmental agencies.

This bill would limit the applicability of the above provision to civil actions or proceedings commenced pursuant to the Code of Civil Procedure, and would exclude specified proceedings of organizations established by Article VI of the California Constitution from the requirements of the provision

Under existing law, any consumer whose personal records are sought by a subpoena duces tecum is authorized to file a motion to quash or modify the subpoena at any time prior to the date for production of the records

This bill would require the motion to quash or modify to be filed within 10 days from the date of receipt of the subpoena.

The bill would become operative July 1, 1981. [This bill would become effective immediately as an urgency statute.]\*

**Ch. 228 (AB 2140) Bane. Weights and measures.**

Under existing law, retailers weighing or measuring commodities for sale by them in retail stores directly to consumers are exempt from regulation as public weighmasters.

This bill would expand the exemption to include retailers, as defined, who count commodities for sale by them in retail stores directly to consumers, plus retailers weighing, measuring, or counting salvage or returnable materials, as defined, for purchase or redemption by them in retail stores directly from and in the presence of the seller.

**Ch. 229 (AB 1620) Sher. Cities: organization and reorganization.**

Existing law provides that at an election on a proposed incorporation, change of organization, or reorganization of a city, arguments may be filed, for inclusion in the ballot, either for or against the proposal. The law specifies the last day for submitting such arguments.

This bill would change the method of determining the last day for submitting arguments for inclusion in the ballot.

**Ch. 230 (SB 668) Dills. State employees: Governor's Reorganization Plan No. 1 of 1981.**

The Governor's Reorganization Plan No. 1 of 1981, which became ~~effective on 1/1/81~~ operative on May 1, 1981\*, created the Department of Personnel Administration to administer the nonmerit aspects of state employment for nonelected employees in the executive branch of government, employees of the California Maritime Academy, and employees of the Legislative Counsel Bureau, and to act as the Governor's representative in higher education employer-employee relations. A Division of Labor Relations in the department also was created.

Various functions previously performed by the State Personnel Board are administered by the department, including, among others, salary determination, working hours, vacations, sick leave, absences, training, performance reports, layoff, and grievances. The State Personnel Board retains the authority to administer the merit system as required by the California Constitution.

Various limited functions previously performed by the State Board of Control, the Department of General Services, and the Department of Finance relating to employee entitlements for employees covered by the plan are administered by the department, including, among others, per diem and travel expenses, relocation expenses, clothing and equipment allowances, deferred compensation plans, merit awards, and salary adjustments. These agencies retain their functions for all state officers and employees not covered by the plan.

The plan provided for the transfer to the Department of Personnel Administration of the employees, records, property, and funds of the State Personnel Board, the State Board of Control, the Department of General Services, and the Department of Finance which are engaged in the performance of functions transferred to the Department of Personnel Administration.

This bill would codify the Governor's Reorganization Plan No. 1 of 1981.

**Ch. 231 (AB 2097) Lewis. County water districts: standby assessments.**

Under existing law, county water districts are authorized to fix and collect in accordance with prescribed procedures water standby or availability assessments of not to exceed \$10 per acre per year for each acre of land, or \$10 per year for each parcel of land less than an acre within the district to which water is made available for any purpose by the district, whether the water is actually used or not.

This bill would authorize the Yorba Linda County Water District to fix and collect within Improvement District No. 2 of the district, in accordance with such procedures, water standby or availability assessments of not to exceed \$250 per year for each acre or portion thereof, or in the alternative, subject to the consent of the owner of the property to be assessed, on the basis of each residential unit or the equivalent thereof,

determined as prescribed. The bill would make legislative findings and declarations in this connection.

The bill would have no effect after January 1, 1983, except to the extent necessary to raise funds for interest or principal payments on bonds of Improvement District No. 2 issued prior to that date.

The bill would take effect immediately as an urgency statute.

Ch. 232 (AB 2127) Cortese. Water conservation district: hydroelectric power.

Under existing law, water conservation districts organized under the Water Conservation District Law of 1931 or the Water Conservation Act of 1927 are not authorized to construct or acquire facilities for the generation of hydroelectric power

This bill would authorize water conservation districts organized under the Water Conservation District Law of 1931 to construct, operate, and maintain plants, which are constructed after the effective date of the bill, for the generation of hydroelectric power and transmission lines for the conveyance thereof. The bill would authorize the districts to finance construction of the facilities by the issuance of revenue bonds pursuant to the Revenue Bond Law of 1941 or any other method provided for financing district works. The bill would permit the power generated to be used by the district for its own purposes, or for the production or transmission of water, or to be leased or sold to a public utility or public agency for resale.

The bill would also authorize water conservation districts organized under the Water Conservation Act of 1927 to generate and sell at wholesale hydroelectric power to specific entities and to construct or otherwise acquire and operate and maintain facilities for the generation, transmission, and sale of hydroelectric power. The bill would prohibit the condemnation of property already employed in the generation of hydroelectric power for public utility purposes. The bill would also include financing the generation, transmission, and sale of hydroelectric power within the purposes for which the districts are authorized to issue revenue bonds under the Revenue Bond Law of 1941.

The bill would take effect immediately as an urgency statute.

Ch 233 (SB 116) Craven School. funding of Desert Center Unified School District.

Existing law prescribes numerous formulas for the allowance and apportionment of state funds to school districts, including provisions for emergency apportionments which require certain reports of districts which receive the apportionments and require further the county superintendent of schools to perform certain review and follow-up tasks

This bill would appropriate a sum not to exceed \$68,716, including the cost of any required audit, from the General Fund to the Superintendent of Public Instruction for allocation to the Desert Center Unified School District for the 1980-81 fiscal year for any purpose for which money in the district general fund may be used. This bill would also provide for repayment of the money in a specified manner, including amounts representing interest at a rate based on the most current investment rate of the Pooled Money Investment Account

This bill would require the Superintendent of Public Instruction to review, as specified, certain reports submitted by the Desert Center Unified School District and would require the superintendent to perform the follow-up tasks

This bill would take effect immediately as an urgency statute.

Ch 234 (AB 368) Bergeson. Water agency elections.

(1) Under existing law, districts organized pursuant to the California Water District Law are landowner voting districts, but the voting procedure may be changed to that of a resident voting district upon petition by registered voters when at least 50% of the assessable area within the district is developed for residential, industrial, or commercial use

This bill would require all elections held after the effective date of the bill within the El Toro Water District only to be conducted as resident voter elections. The bill would require all directors so elected to be district residents and registered voters, and would require directors to be elected on an at-large basis, but would permit the board of directors to establish divisions for the election of directors in accordance with prescribed requirements. The bill would provide for current directors of the district to serve the

remainder of their unexpired terms, and would specify related matters. The bill would declare that enactment of the bill as a local and special statute is necessary for specified reasons.

(2) Under existing law, before a public agency may enter into a contract with the State Water Resources Control Board for a construction loan for waste water facilities under the Porter-Cologne Water Quality Control Act, it is required to hold an election within the agency on the proposition.

This bill would permit the Aliso Water Management Agency, or its affected member agencies, to conduct an election for that purpose wholly by mail, but would require the election to be confined to the combined territory of the local agencies responsible for the repayment of any loan.

The bill would also permit the San Jacinto Mountain Area Water Study Agency to conduct an election for that purpose wholly by mail.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) The bill would take effect immediately as an urgency statute.

#### Ch 235 (AB 1956) N Waters Ballot pamphlet

Existing provisions of the Political Reform Act of 1974 require the printing of the statewide ballot pamphlet to include, among other things, a copy of the specific constitutional or statutory provisions, if any, which would be repealed or revised.

This bill would provide that, with respect to 2 specified initiative statutes, the text of the provisions of law proposed to be repealed by each of the measures shall not be printed in the ballot pamphlet. However, it would require a summary of the statutory provisions which are proposed to be repealed, as prepared by the Legislative Analyst, to be included in the ballot pamphlet, and it would require the text of the existing provisions of law to be repealed by the measures to be made available to any voter.

It would also require the Secretary of State to prepare a statement for inclusion in the ballot pamphlet with each proposition explaining that, if the provisions of 2 or more ballot measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

The bill would take effect immediately as an urgency statute.

#### Ch. 236 (SB 1186) Roberti Notaries public employees of private employers-duties-limitations

Existing statutes provide for the qualification, appointment, powers, and duties of notaries public and permit a private employer, pursuant to agreement with an employee who is a notary public, to pay the premiums on any bond and the cost of any stamps, seals, or other supplies and to provide for the employee to remit any fees collected for notary services to the employer which shall deposit such funds to the credit of the fund from which the compensation of the notary public is paid.

This bill would provide that a private employer of a notary public, who has entered into such an agreement, may limit, during the employee's ordinary course of employment, the providing of notarial services by the employee solely to transactions directly associated with the business purposes of the employer.

#### Ch 237 (SB 576) Carpenter. Medical assistance

Existing law provides that, in order for specified persons to become eligible for the Medi-Cal program, these persons must pay a share of cost.

Existing law provides for a formula under which this share of cost is determined.

This bill would provide that notwithstanding this formula, adjustments in the share of costs for a family larger than 2 persons shall be made whenever required by federal law.

Existing law provides that specified statutes concerning the Medi-Cal program shall not be implemented unless necessary federal waivers are obtained.



This bill alters the provision delineating those statutes for which waivers of federal law must be obtained

The Budget Act of 1981 provides a ceiling upon expenditures for specified pilot projects under the Medi-Cal program.

This bill would provide that any expenditures concerning Indo-Chinese refugees shall not be considered expenditures for purposes of computing this ceiling.

The bill also provides that pursuant to certification by the Department of Finance, transfers between 1981 Budget Act items may be made for specified pilot projects under the Medi-Cal program.

This bill also contains a statement of legislative intent concerning budget appropriations for Medi-Cal services provided to beneficiaries in long-term care facilities.

This bill would take effect immediately as an urgency statute.

**Ch. 238 (AB 307) Vasconcellos. Federal social security: state safety members**

Existing provisions of law relative to participation of public employees in the federal social security program define various employee groups as "policeman", thereby terminating their coverage.

This bill would include lifeguards who are state safety members of the Public Employees' Retirement System within the definition of "policeman" for that purpose. The termination would not be operative until a ruling or regulation authorizing their inclusion as "policeman" is issued by the federal agency

The bill would also revise the definition of state safety member.

The bill would take effect immediately as an urgency statute.

**Ch. 239 (AB 375) Wyman. Property taxation: active solar energy system.**

Under existing law, the Legislature may provide that, for purposes of subdivision (a) of Section 2 of Article XIII A of the Constitution, the term "newly constructed" shall not include the construction or addition of any active solar energy system.

This bill would modify current law implementing that exclusion and would specifically define "active solar energy system" for that purpose.

Section 2229 of the Revenue and Taxation Code provides that the state shall reimburse local agencies for property tax revenues lost by classification or exemption of property for purposes of ad valorem taxation enacted by the Legislature.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as an urgency statute and would apply only to lien dates for fiscal years commencing 1981 through 1985, inclusive.

**Ch. 240 (AB 1979) Wray. Mobilehomes**

Existing law prohibits the management of a mobilehome park from charging a tenant a fee for a guest who does not stay with the tenant for more than a total of 14 days in any calendar month.

This bill would instead provide that a tenant shall not be charged a fee for a guest who does not stay with the tenant for more than a total of 20 consecutive days or a total of 30 days in a calendar year.

**Ch. 241 (AB 593) Torres. Medi-Cal pilot projects.**

Existing law provides that pilot programs under the Medi-Cal program shall be entitled to be paid for on a fee for service basis, a prepayment basis, or a combination of these bases

This bill would provide that in order to more expeditiously implement legislative decisions, the Director of Health Services shall, within 60 days of the Budget Act or other legislative appropriations concerning pilot projects under the Medi-Cal program, adopt regulations and enter into agreements with pilot program contractors which shall reflect the legislative appropriations

This bill would take effect immediately as an urgency statute

**Ch. 242 (AB 20) Lockyer. Local government**

(1) Existing law, for the 1981-82 fiscal year, reduces the amount of certain state subventions to a local agency by an amount equal to the imputed interest on that portion of the property tax levied by or for the agency on the unsecured roll for the 1978-79 tax

year which is in excess of \$4 per \$100 of assessed value plus a tax rate for authorized debt service.

This bill would make supplemental and technical changes to that law

(2) Existing law provides for the method of apportioning property tax revenues between local agencies and school entities.

This bill would make changes, as specified, in the method of apportionment for the 1981-82 fiscal year.

(3) The existing provisions of the California Constitution provide that taxes on property on the unsecured roll shall be levied at the rates for the preceding tax year upon property of the same kind on the secured roll. Article XIII A of the California Constitution became effective for the 1978-79 tax year and limited the maximum amount of ad valorem tax on real property to 1% of the full cash value of the property.

The California Supreme Court, in *Board of Supervisors of San Diego County v. Loneragan*, 27 Cal. 3d 855, and *Roy E. Hanson, Jr. Mfg. v. County of Los Angeles*, 27 Cal. 3d 870, held that the provisions of Article XIII A are inapplicable to property on the unsecured roll for the tax year 1978-79.

Existing law provides that a local agency which applied the tax rate limitation of Article XIII A to property on the unsecured roll for the 1978-79 tax year shall not collect the tax at the higher rate for the 1978-79 tax year until July 1, 1981. It also tolls any statute of limitations which may apply to the collection of the tax. It also prohibits any local agency which applied a higher tax rate than that specified in Article XIII A on property on the unsecured roll for the 1978-79 tax year from expending the additional revenues collected at the higher rate during the 1980-81 fiscal year.

This bill would provide that all interest and penalties owing due to the late payment of supplemental unsecured property tax levies of cities, cities and counties, special districts, and counties, as defined, or taxes related thereto, shall be canceled, if payment is made by December 31, 1981.

This bill would authorize as specified the exemption from property taxes on certain real property which is on the unsecured roll for the 1978-79 tax year and may be subject to revaluation.

(4) Article XIII B of the California Constitution provides that, with certain exceptions, whenever the Legislature mandates a new program or higher level of service on any local government, the state must provide a subvention of funds to reimburse the local government for the costs of the program or increased level of service. This constitutional requirement supplements existing statutory law which provides procedures for providing this reimbursement.

This bill would redefine certain statutory terms to conform to these constitutional provisions and would make related changes.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(6) This bill would take effect immediately as an urgency statute.

#### Ch 243 (SB 107) Foran Automobile sales finance.

Under existing law, the finance charge contained in a conditional sale contract for the sale of a motor vehicle which is expressed as a dollar amount may not exceed 1% of the unpaid balance multiplied by the number of months elapsing between the date of the contract and the due date of the last installment, or specified dollar amounts depending upon whether the finance charge is determined by the precomputed basis or by the simple-interest basis.

This bill would specify alternative finance charge limitations using varying percentages multiplied by the number of months between the date of the contract and the due date of the last installment, depending upon the amount of the unpaid balance under the contract.

This bill would make additional changes in Section 2982 of the Civil Code as proposed by SB 1080 to be operative only if this bill and SB 1080 are both chaptered and become effective on or before January 1, 1982, and this bill is chaptered after SB 1080.

This bill would make additional changes in Section 2982 of the Civil Code as proposed by AB 1973 to be operative only if this bill and AB 1973 are both chaptered, AB 1973 becomes effective on or before July 1, 1981, and this bill is chaptered after AB 1973.

This bill would make additional changes in Section 2982 of the Civil Code as proposed by AB 1973 and SB 1080 to be operative only if this bill and AB 1973 and SB 1080 are all chaptered, AB 1973 becomes effective on or before July 1, 1981, this bill and SB 1080 become effective on or before January 1, 1982, and this bill is chaptered after AB 1973 and SB 1080.

This bill would take effect immediately as an urgency statute

#### Ch. 244 (SB 501) Boatwright. Hazardous waste facilities.

(1) Under existing law, cities and counties may enact and enforce various restrictions on land use.

This bill would make several legislative findings and declarations relating to hazardous waste.

The bill would prohibit a city or county, whether chartered or general law, or district, from, among other things, adopting or enforcing any ordinance, regulation, or law or issuing any permit or license relating to an existing hazardous waste facility, as defined, so as to prohibit or unreasonably regulate the disposal, treatment, or recovery of resources from hazardous or solid wastes at any existing hazardous waste facility

(2) Under existing law, general law cities, but not counties, are authorized to impose license taxes on businesses for revenue purposes. Chartered cities have the power to impose such taxes pursuant to the California Constitution as a part of their power to control their municipal affairs. Any such new taxes imposed subsequent to June 6, 1978, are subject to Article XIII A of the California Constitution

This bill would, in addition, permit counties to impose and enforce a license tax, for revenue purposes, on the operation of an existing hazardous waste facility but would limit the amount which may be imposed by any such entity to 10% of the annual gross receipts of the existing hazardous waste facility

The bill would also permit any city or county in which an existing hazardous waste facility is located to submit recommendations to the State Director of Health Services regarding any additional permit or interim status conditions it deems necessary to protect the public health, domestic livestock, wildlife or the environment

(3) Existing law requires that an enforcement agency be designated in each county to carry out the provisions of the Z'berg-Kapiloff Solid Waste Control Act of 1976

This bill would provide that a local governing body acting in the capacity of an enforcement agency shall not take specified actions, relating to existing hazardous waste facilities which accept both hazardous waste and solid waste so as to prohibit or unreasonably regulate the operation, disposal, treatment, or recovery of resources from solid wastes at such facilities

(4) The bill would take effect immediately as an urgency statute.

#### Ch 245 (SB 605) Johnson Commercial motor vehicles: trip permits

(1) Existing law provides for issuance of trip permits to operate in this state for a period of 5 consecutive days commencing with the day of first use, and 4 consecutive days thereafter, for certain commercial vehicles meeting registration requirements of a foreign jurisdiction which would otherwise be subject to registration in California

This bill would change the law relating to these permits to (a) decrease the number of consecutive days for which a trip permit may be issued from 5 to 4, and from 4 to 3, consecutive days, respectively; (b) require the permit to be completed prior to operation of the vehicle on any California highway and carried in an inaccessible receptacle, rather than requiring the permit to be signed and dated on the day the trip begins; (c) prohibit issuance of a permit to a vehicle owned by a California resident, except if the vehicle is leased to a carrier based in a foreign jurisdiction and is being operated pursuant to requirements of the Interstate Commerce Commission or the Public Utilities Commission, (d) change the fee for these permits from \$5 per vehicle to \$5 per trailer and \$45 per commercial motor vehicle, (e) prohibit acceptance of a permit as

evidence of registration compliance under provisions of law requiring a person cited for nonregistration to prove either that a vehicle is registered or has been reduced to junk.

(2) Existing law also permits a nonresident having in his or her immediate possession a valid driver's license issued by a foreign jurisdiction to operate a motor vehicle in California without obtaining a California license, except as specified.

This bill would require a person entitled to this exemption to have in his or her possession a current medical certificate, as described, while operating a commercial vehicle, as described, in California.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 246 (SB 639) Sieroty. Schools. special education: appropriations

Existing law appropriates a specified amount to fund special education programs provided by school districts and county offices. Existing law also requires that any deficit in special education funding be applied equally to all districts and county offices.

In lieu of the amount appropriated by the Budget Act of 1981, this bill would appropriate an additional \$30,000,000 for the purpose of those special education programs provided that the Superintendent of Public Instruction apply any remaining deficit according to existing law.

This bill would appropriate funds for the usual and current expenses of the state, and therefore would take effect immediately.

#### Ch. 247 (SB 802) Garamendi. Limitations of actions.

Existing law specifies various time limitations within which civil actions must be commenced.

This bill would specify a 3-year time limitation within which civil actions must be commenced under the hazardous waste control law and the Porter-Cologne Water Quality Control Act and would further specify that the actions shall not be deemed to accrue until the facts constituting the grounds for those actions have been discovered.

The bill would take effect immediately as an urgency statute.

The bill would make additional changes contingent upon the prior enactment of AB 1976.

#### Ch 248 (AB 826) Bosco Shrimp and prawns: incidental taking.

Under existing law, it is unlawful to possess in excess of 500 pounds of any species of shark, or 500 pounds of any fish other than sharks, caught incidentally with shrimp or prawns on any boat operating under a permit issued by the Fish and Game Commission which allows the use of a trawl net.

This bill would prohibit persons fishing for pink shrimp with the use of a trawl net to possess in excess of 1,500 pounds of incidentally taken fish per calendar day of a fishing trip, with specified exceptions. The bill would also prohibit persons fishing for spotted prawn and ridgeback prawn with the use of a trawl net to possess in excess of 1,000 pounds of any incidentally taken fish per trip.

The bill would take effect immediately as an urgency statute.

#### Ch 249 (AB 230) Ivers. Water agencies power

(1) Under the County Water District Law, county water districts are authorized to fix, levy, and collect a sewage and waste service standby or availability charge, not to exceed \$10 per acre per year or \$10 per year for each parcel of land less than an acre, in accordance with prescribed procedures.

This bill would authorize the Crescenta Valley County Water District, in lieu of the foregoing, by a  $\frac{2}{3}$  vote of the board of directors, to fix, levy, and collect a sewage and waste service standby or availability charge not to exceed \$60 per available sewer connection per year, and would make legislative findings as to the necessity for a special statute.

(2) Under existing law, improvement districts may be formed within the Mojave Water Agency, in accordance with prescribed procedures, for undertaking improvements or works not to be financed by incurring a bonded indebtedness.

This bill would authorize the levy, in accordance with prescribed procedures, of a special benefit assessment by the agency upon property which lies outside the improvement district where, as a result of actions undertaken by the owner or owners of the property after the formation of the improvement district, the property is benefited by improvements or works undertaken, constructed, and installed within the improvement district.

Ch 250 (AB 561) Johnston. Courts. San Joaquin County.

Existing law sets forth the compensation of municipal court personnel in San Joaquin County.

This bill would revise the compensation of municipal court personnel in San Joaquin County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 251 (AB 1004) Kaploff. Nutrition and volunteer services.

Existing law provides that the Nutrition and Volunteer Services Program for Senior Citizens shall terminate on July 1, 1981.

This bill would instead provide that the program shall terminate on July 1, 1982.

The bill would further provide that the Department of Aging shall, by February 1, 1982, evaluate the program and report its findings to the Legislature and the Governor.

The bill would appropriate the sum of \$500,000 without regard to fiscal year, for implementation of the Nutrition and Volunteer Services Program for Senior Citizens as follows.

(1) The sum of \$325,000, or as much of this amount as is available in the Nutrition Reserve Fund, reduced on a dollar-for-dollar basis by the amount, if any, of federal funds which become available, from the Nutrition Reserve Fund.

(2) The sum of \$175,000 from the Transportation Planning and Development Account in the State Transportation Fund.

(3) A sum equal to that portion, if any, of the amount not appropriated from the Nutrition Reserve Fund nor obtained out of federal funds, from the General Fund.

The bill would further require this program to integrate with existing nutrition programs by February 1, 1982.

The bill would specify that this program shall provide a volunteer option to existing nutrition programs, and shall be directly administered by the applicable area agency on aging, with the Department of Aging to maintain a monitoring system for the program and provide for an appeals process in the event that disputes arise between nutrition projects and area agencies on aging.

This bill would take effect immediately as an urgency statute.

Ch. 252 (AB 1391) Lockyer. Youth Employment and Development Act of 1977.

Existing law provides, until December 31, 1982, for a federal Youth Employment and Demonstration Projects Act of 1977 administered by the Employment Development Department.

This bill would provide that the California Conservation Corps shall receive and administer funds available under the act which are available from the federal Young Adult Conservation Corps established pursuant to the federal Youth Employment and Demonstration Projects Act of 1977.

This bill would take effect immediately as an urgency statute.

Ch. 253 (AB 42) Young. Defamation. child abuse.

Existing law does not prohibit a person charged with child abuse from bringing a civil

libel or slander action against the minor, a parent or guardian of the minor, or a witness. However, there is no liability for libel or slander based on a privileged communication, including a communication intended to initiate or further an official proceeding such as a criminal prosecution.

This bill would prohibit a person charged with child abuse, as defined, from bringing a civil libel or slander action against the minor, a parent or guardian of the minor, or a witness, based upon any statements made which are reasonably believed to be in furtherance of the prosecution of the criminal charge, while the charges against that person are pending before a trial court. Any applicable statute of limitations would be tolled during that period.

The bill would provide that if such a civil libel or slander action is filed, no responsive pleading would be required until 30 days after the end of that period.

It would require complaints for libel or slander based upon charges of child abuse to include a statement that the action is not barred, as specified. A failure to include that statement would be grounds for a demurrer.

It would provide for the award of attorney's fees and costs when a demurrer is sustained on the basis that the complaint was filed in violation of any of the above provisions.

The bill would also require a prosecutor who is informed by a minor, parent, guardian, or witness that a complaint has been filed which may be subject to the provisions of the bill to furnish a copy of the provisions of the bill.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

**Ch. 254 (SB 48) Boatwright. CSUC: fees: instructionally related activities.**

Under current law in effect until July 1, 1981, the chief fiscal officer of each campus of the California State University and Colleges is required to deposit into and maintain in local trust accounts or in other specified trust accounts the moneys received from the imposition of fees for certain instructionally related activities. Also, until July 1, 1981, the Trustees of the California State University and Colleges have all authority necessary to administer and use the revenues from such fees.

This bill would make these provisions operative until January 1, 1986.

This bill would take effect immediately as an urgency statute.

**Ch. 255 (AB 2154) Imbrecht. Judges. disqualification.**

Existing law provides that no judge who shall deny his disqualification, shall hear or pass upon the question of his own disqualification; but in every such case, the question of the judge's disqualification shall be heard and determined by some other judge agreed upon by the parties who shall have appeared in the action or proceeding, or, in the event of their failing to agree, by a judge assigned to act by the Chairman of the Judicial Council, and, if the parties fail to agree upon a judge to determine the question of the disqualification, within 5 days after the expiration of the time allowed for the judge to answer, it shall be the duty of the clerk then to notify the Chairman of the Judicial Council of that fact; and it shall be the duty of the Chairman of the Judicial Council forthwith, upon receipt of notice from the clerk, to assign some other judge, not disqualified, to hear and determine the question.

This bill would provide instead that no judge against whom a statement of objection or disqualification has been filed shall hear or pass upon any question of fact or law concerning his disqualification or the statement of objection or disqualification filed

against him; but in every such case, all such questions concerning the judge's disqualification shall be heard and determined by some other judge agreed upon by the parties who shall have appeared in the action or proceeding, or, in the event of their failing to agree, by a judge assigned to act by the Chairman of the Judicial Council, and, if the parties fail to agree upon a judge to determine such questions of fact and law pertaining to the disqualification, within 5 days after the expiration of the time allowed herein for the judge to answer, it shall be the duty of the clerk then to notify the Chairman of the Judicial Council of that fact; and it shall be the duty of the Chairman of the Judicial Council forthwith, upon receipt of notice from the clerk, to assign some other judge, not disqualified, to hear and determine such questions and each of them.

The bill would add permanent or temporary physical impairment as grounds for disqualification, and specify that the bill is not intended to affect the authority of a judge to stay or not stay proceedings pending determination of disqualification.

**Ch. 256 (AB 2043) Bergeson. School districts: governing boards.**

Existing law requires the governing board of a school district to adopt a resolution making a specific finding that an emergency exists prior to contracting with a private licensed security agency to secure the safety of school personnel, pupils, and property.

This bill would instead require the district to, by a majority vote, make a specific finding that an emergency exists and include this finding in the board minutes.

**Ch. 257 (SB 1076) Ellis. Probate claims: interest.**

Existing law limits interest upon a claim after its allowance by the administrator or executor of an estate and its approval by the judge to the rate allowed upon judgments, which is presently 7%.

This bill would instead limit interest upon those claims to 10%, except as specified.

**Ch. 258 (SB 1105) Ellis. Seller assisted marketing plans.**

Existing law contains numerous regulatory provisions regarding seller assisted marketing plans. The term "seller assisted marketing plan" is defined to include any sale or lease which requires a total initial payment in excess of \$500, but requires an initial cash payment of less than \$25,000 which will be used by the purchaser to begin or maintain a business, as specified.

This bill would revise the definition by increasing the maximum initial cash payment, as stated above, from less than \$25,000 to less than \$50,000. This bill also would make other numerous changes in the provisions which specify particular items as not being included within the term "seller assisted marketing plan."

Under existing law a sale or lease becomes a seller assisted marketing plan if there is a representation that the purchaser will, is likely to, or can earn a "net profit" in excess of the initial payment.

This bill would substitute for net profit, a representation that the purchaser will, is likely to, or can earn an amount in excess of the initial payment.

Existing law requires the seller of a seller assisted marketing plan to provide to the prospective purchaser in writing a document entitled "seller assisted marketing plan information sheet" containing specified information.

This bill, in addition, would impose the same obligations upon representatives of sellers.

This bill would make other corresponding or technical changes regarding seller assisted marketing plans.

**Ch. 259 (SB 650) Ellis. Rental deposits.**

Under existing law, any portion of a payment or deposit of money given to secure the performance of a rental agreement for other than residential property which is not used to remedy tenant defaults in rent payments to repair damages or to clean the premises is required to be returned to the tenant within 2 weeks of the termination of the tenancy.

This bill would extend the repayment period to a period mutually agreed upon by the parties, not to exceed 30 days from the date the landlord receives possession of the premises, if the landlord claims a portion of the payment or deposit for damages or cleaning.

**Ch. 260 (SB 1074) Stiern. Public entity tort liability: roads.**

Existing law specifies the circumstances and conditions under which a public entity is liable in tort for its actions or the actions of its employees.

This bill would provide that a public entity or its employees are not liable for grading or other maintenance or repair work performed on a ~~non~~~~dedicated~~ road ; ~~as specified~~ [not officially accepted as a part of the public entity's road system]\*, if the work is performed with reasonable care and leaves the road in no more dangerous or unsafe condition than it was before the work. It would also provide that the performance of any such work does not give rise to any obligation to continue to perform such work.

**Ch. 261 (SB 241) Beverly. Taxation.**

Existing law requires redevelopment agencies to make a preliminary boundary filing with local taxing officials and the State Board of Equalization whenever the creation of a new redevelopment project is contemplated or the boundaries of an existing project area are changed.

This bill would eliminate the filing requirement unless the redevelopment plan of the contemplated or existing project contains a provision for the division of taxes.

Existing law permits the correction of errors of the county assessor resulting in the entry of incorrect values on the assessment roll.

This bill would permit the correction of errors of the assessor resulting in incorrect entries, except those errors involving the exercise of value judgments or escape assessments caused by the assessor's failure to correctly report specified information.

Existing law requires the assessor to assess property to the owner on the lien date.

This bill would permit the assessor to assess the property to the new owner, when the property changes hands after the lien date.

This bill would make various technical nonsubstantive changes, including the repeal of obsolete provisions and code sections, the correction of erroneous cross-references, and the updating of provisions to reflect current assessment ratios

**Ch. 262 (SB 682) Beverly. Credit unions.**

Existing law provides that, upon reasonable notice and opportunity to be heard, the Commissioner of Corporations may deny an application to operate as a credit union if the field of membership of the applicant is contrary to the principles of organizing credit unions based on a common bond of employment, membership, or residence. However, this provision specifically does not prohibit the commissioner from issuing a certificate authorizing a credit union for an association or associations of employers located in one reasonably compact geographical area.

This bill would additionally specifically not prohibit the commissioner from authorizing any existing credit union for an association of employers in a single industry to expand into 1 or more additional areas approved by the commissioner upon determination that the credit union has a record of not less than 2 years of successful operation, the additional area has demonstrated need and support for a credit union to warrant expansion, and the credit union has demonstrated sufficient organizational, managerial, and financial ability to expand without jeopardizing its successful operation

**Ch. 263 (SB 333) Ellis. Real estate.**

Existing law exempts certain persons and associations from various provisions of the Real Estate Law including the requirement of licensure for those acting as real estate brokers

This bill would extend this exemption to any person who collects payments for lenders or owners in connection with secured real property loans and who is not actively engaged in the business of negotiating these loans or who is not acting as a principal or agent in the sale or exchange of promissory notes secured by real property, provided that the person is a corporation licensed as an escrow agency under the Escrow Law

**Ch. 264 (SB 803) Johnson. Environmental quality.**

Under the California Environmental Quality Act, generally, environmental impact reports are required to be prepared for projects proposed to be carried out or approved by a state agency, board, or commission or by a local agency which may have a significant effect on the environment. The act defines environment to mean the physical conditions which exist within the area which will be affected by a proposed project, including specified elements, and defines significant effect on the environment to mean a substantial, or potentially substantial, adverse change in the environment



This bill would declare that, for purposes of an environmental impact report prepared for projects proposed to be carried out or approved by a state agency, board, or commission or by a local agency, any significant effect on the environment shall be limited to substantial, or potentially substantial, adverse changes in the physical conditions which exist within the area, as so defined in existing law.

**Ch. 265 (SB 998) Campbell Public records.**

Existing law requires local police agencies, under the Public Records Act, to disclose the description of any property involved in an incident, as specified.

This bill would require local law enforcement agencies and the California Highway Patrol to disclose specified information to victims of an incident, would include among the crimes specified, larceny and vehicle theft, and would prohibit the disclosure of any analysis or conclusions of an investigating officer.

**Ch. 266 (AB 123) D. Stirling. Blood tests: paternity.**

Under current case law, although the rule is that standard red blood cell (HBO) tests are admissible only to exculpate, and not to implicate a defendant in a paternity proceeding, it has been recently held that human leucocyte antigen (HLA) tests (tissue typing of white blood cells) are admissible evidence of paternity. The language of the Uniform Act on Blood Tests to Determine Paternity provides that if the court finds that the conclusions of all of the experts are that the alleged father is not the father of the child, the question of paternity shall be resolved accordingly. If, on the other hand, the experts disagree in their findings or conclusions, the question is required to be submitted upon all the evidence.

This bill would provide that if the experts disagree in their findings or conclusions or if the tests show the probability of the alleged father's paternity, the question may be submitted upon all the evidence, including evidence based on tests, as specified.

**Ch. 267 (AB 174) Young Health insurance: payment for services.**

Existing law with respect to policies of disability insurance, self-insured employee welfare benefit plans and hospital service contracts specifically permits the insured to select a licensed marriage, family, and child counselor to perform particular services covered under the terms of the policy or plan.

This bill would prohibit health care service plans from excluding the services of licensed marriage, family, and child counselors, upon referral of a physician or surgeon, when applicable.

It would specify that such provisions do not permit the above certificate holder or licensee to perform professional services beyond his field of competence as established by education, training, and experience, as specified.

This bill would take effect immediately as an urgency statute.

**Ch. 268 (AB 285) N. Waters. Community services district: television.**

Existing laws which prescribe the powers of community services districts contain no general authority for such districts to engage in activities relating to the provision of television services to the district and inhabitants of the district.

This bill would permit the Board of Directors of the El Dorado Hills Community Services District, by resolution, to authorize the district to engage in various specified activities relating to the provision of television, television-related services, and franchised cable television to the district and inhabitants of the district.

**Ch. 269 (AB 500) Wright. Criminal records.**

Existing law requires the Attorney General to furnish state summary criminal history information to specified persons and authorizes such furnishing to others. Existing law does not provide for subsequent reports after the initial furnishing of the information.

This bill would authorize the Department of Justice to furnish additional state summary criminal history information subsequent to an initial furnishing of the information, as specified, and would authorize the imposition of certain fees by the Department of Justice for the furnishing of the information, as specified.

**Ch 270 (AB 291) Hannigan. Sex discrimination. veterans**

The California Fair Employment and Housing Act generally makes it unlawful for an employer to discriminate on the basis of sex. Also, the California Constitution authorizes the Legislature to provide preferences for veterans and their surviving spouses in civil service. A regulation provides that, unless required pursuant to this constitutional provision or applicable federal law, military service or veterans status shall not be used by an employer as a basis for selection with respect to employment, except to the extent that work performed during military service is related to job performance.

This bill would provide that nothing in the California Fair Employment and Housing Act relating to discrimination on account of sex shall affect the right of an employer to use veteran status as a factor in employee selection or to give special consideration to Vietnam Era veterans.

This bill would also prohibit the use of state funds to challenge the provisions of the bill in the courts.

**Ch 271 (AB 678) Lancaster. Automobile dismantlers exclusions**

Under existing law, any person who acquires used parts or components for resale purposes from vehicles which have been previously cleared for dismantling is excluded from the definition of an automobile dismantler for purposes of dismantler licensing requirements.

This bill would specify that this exclusion shall not be construed to permit a dismantler to acquire or sell used parts or components during the time the dismantler license is under suspension.

**Ch. 272 (AB 1557) Campbell. San Francisco Bay Area Rapid Transit District: elections.**

Existing law requires the board of directors of the San Francisco Bay Area Rapid Transit District to adjust its election district boundaries by June 1 of the year following the federal decennial census. The directors are required to be elected by election districts except that if the board fails to adjust election boundaries as required before the 90th day prior to the final day for registration, the directors are required to be elected at large until the board adjusts the boundaries.

This bill would allow the board until November 1 of the year following the census to complete this process and would require directors to be elected at large until the board adjusts the boundaries if the election district boundaries are not adjusted by December 31 of the year following the census.

The bill would take effect immediately as an urgency statute.

**Ch 273 (SB 153) Presley. Correctional facilities; bonds**

This bill would enact the New Prison Construction Bond Act of 1981, which, if adopted would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$495,000,000 for the construction, renovation, remodeling and deferred maintenance of state correctional facilities.

The bill would provide for the submission of the bond act to the voters and the provisions concerning bonds would take effect upon adoption by the voters.

The provisions of the bill relating to the submission of the bond act to the voters would take effect immediately.

**Ch 274 (AB 650) Bane. Loans**

Existing law does not require the Superintendent of Banks to authorize state-chartered banks to make secured real property loans bearing other than a fixed rate of interest where either national banks doing business in the state are authorized to do so or the terms of these loans would make them eligible for purchase by governmental agencies which regularly purchase mortgage loans.

This bill would require the Superintendent of Banks to adopt regulations, to the extent permitted by state law, which would authorize state-chartered banks and subsidiaries of bank holding companies to make loans upon the security of real property with other than a fixed rate of interest if national banks doing business in the state are authorized to make these loans by federal statute or regulation. The superintendent would also be required to promulgate regulations insuring adequate disclosure to the borrower of the material terms of such loans.

This bill would further require the Superintendent of Banks to adopt these regulations within 30 days of the effective date of the federal law or regulation authorizing national

banks to make other than fixed rate loans and would exempt these regulations from certain provisions relating to governmental regulatory procedure. In addition, these regulations would be required to be amended or repealed within 30 days of the effective date of any amendment or repeal of the federal law, regulation, or guideline upon which they were based. Regulations which are adopted pursuant to these provisions which are adopted on December 31, 1982, would expire 3 years after their effective date while regulations adopted on or after January 1, 1983, would expire on January 1 of the second succeeding year following the calendar year in which the regulation was promulgated.

This bill would also exempt these loans from the requirements or restrictions which are applicable to variable interest rate and renegotiable interest rate mortgage loans, and any other provisions restricting changes in interest rates on loans.

This bill would also provide that notwithstanding any other remedy a borrower may have based upon certain provisions relating to variable interest rate and renegotiable interest rate mortgage loans, as specified, the lien of the mortgage or deed of trust shall be valid.

Existing law provides that the Savings and Loan Commissioner may extend by regulation to state savings and loan associations, any right, power, privilege or duty which is not otherwise authorized by the Savings and Loan Association Law, which is extended to federal insured savings and loan associations doing business in the state.

This bill would require the Savings and Loan Commissioner to promulgate regulations, to the extent permitted by state law, which would authorize state associations to make loans secured by real property which would bear other than a fixed rate of interest, if federal savings and loan associations are authorized to make these loans by federal law or regulation. The superintendent would also be required to promulgate regulations insuring adequate disclosure to the borrower of the material terms of such loans.

This bill would also require the adoption of these regulations by the commissioner within 30 days of the effective date of the relevant federal law, regulation or guideline, and the amendment or repeal of the regulations within 30 days of the effective date of any amendment or repeal of the federal law, regulation, or guideline upon which they were based. Regulations which are adopted pursuant to these provisions which are adopted on December 31, 1982, would expire 3 years after their effective date while regulations adopted on or after January 1, 1983, would expire on January 1 of the second succeeding year following the calendar year in which the regulation was promulgated.

This bill would further provide that restrictions relating to variable interest rate mortgage loans and renegotiable rate mortgage loans, and provisions restricting changes in interest rates on loans, would not apply to loans made pursuant to the regulations adopted by the commissioner to bring the domestic associations in parity with the federal savings and loan associations.

This bill would further provide that loans made pursuant to these regulations would be considered amortized loans for the purposes of the Savings and Loan Association Law.

Existing law provides that a regulation which is required to be filed with the Secretary of State becomes effective on the 30th day after the date of filing.

This bill would provide that the regulations promulgated pursuant to the provisions of the bill would become effective upon filing or upon any later date specified by the state agency in a written instrument filed with, or as a part of, the regulation. This bill would further provide that certain procedural requirements for the adoption, amendment or repeal of regulations, as specified, would be inapplicable.

This bill would also permit a lender who makes federally related mortgage loans, as defined, and who is determined to be eligible by the Secretary of the Business, Transportation and Housing Agency or his or her designee, to make loans bearing other than a fixed rate of interest upon the security of real property, notwithstanding other provisions of law to the contrary, if the loans have been authorized by the Superintendent of Banks or the Savings and Loan Commissioner pursuant to the provisions of this bill.

This bill would take effect immediately as an urgency statute.

#### Ch. 275 (AB 723) Marguth. Courts. Alameda County.

Existing law provides for the salaries, number, and classification of officers and employees of the municipal courts in Alameda County.

This bill would revise the salaries, number, and classification of specified officers and employees of the municipal courts in Alameda County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 276 (AB 734) Thurman. Courts: Stanislaus County.**

(1) Existing law sets forth the compensation of court reporters in Stanislaus County. This bill would revise the compensation of court reporters in Stanislaus County.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 277 (AB 229) Lehman Community college: facilities: Field Act.**

Currently, the law prohibits, with certain exceptions, the use, after June 30, 1975, of school buildings which do not conform to the structural standards of the so-called Field Act. The Ratcliffe Stadium in the State Center Community College District is exempt from such prohibition until June 30, 1982.

This bill would repeal this exemption and provide that the Legislature finds and declares the Ratcliffe Stadium met the requirements of the so-called Field Act as they existed at the time the stadium was constructed and therefore complies with the Field Act.

**Ch 278 (AB 413) Felando Vessels: removal**

Under existing law, a city or other public entity having jurisdiction or control over tidelands may, in accordance with prescribed procedures, including the adoption of an ordinance, cause to be sold, destroyed, or otherwise disposed of, any hulk, derelict, wreck, or parts of any ship, vessel, or other watercraft sunk, beached, or allowed to remain upon publicly owned tide or submerged lands.

This bill would delete the requirement that the legislative body of the city or public entity adopt an ordinance prior to removal, and would make related changes.

The bill would also authorize a peace officer to remove a vessel from a public waterway or from private property under specified circumstances. The bill would provide that the abandonment of a vessel upon a public waterway or public or private property under specified circumstances constitutes prima facie evidence that the last registered owner of record is responsible and liable for the cost of removal and disposition.

**Ch. 279 (AB 461) Deddeh Income tax**

The existing Personal Income Tax Law authorizes specified credits against the taxes imposed.

This bill would define the term "net tax" for the purposes of computing tax credits.

Under the existing Personal Income Tax Law, qualified renters, as defined, are allowed a credit of a specified amount.

This bill would make changes in the method of computing that credit and the definition of "qualified renter."

The existing Personal Income Tax Law and Bank and Corporation Tax Law authorize a credit of an amount equal to 20% of the costs of certain pollution abatement equipment with specified limits.

This bill would make various supplemental and technical changes in these pollution abatement equipment tax credit provisions.

Under the existing Personal Income Tax Law, a credit is allowed for a student, who is not a relative and does not qualify as a dependent, who is maintained in the taxpayer's household without compensation for a period of at least 6 months under a written agreement with an exempt religious or educational organization.

This bill would require, for taxable years beginning in 1981 and thereafter, the Franchise Tax Board to compute the amount of that credit by applying a prescribed inflation adjustment factor.

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, if a compensatory amount which is included in gross income is received or accrued during the taxable or income year for a compensable injury, there is allowed as a deduction for that taxable or income year the amount of that compensatory amount.

This bill would repeal those provisions.

Under existing law, the taxable income of an estate or trust is generally computed in the same manner and on the same basis as that of an individual, with various exceptions thereto.

This bill would recast the law dealing with the treatment of capital gains for the purposes of determining distributable net income of an estate or trust.

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, interest is imposed on an assessable penalty only if that assessable penalty is not paid within 10 days from the date of notice and demand therefor.

This bill would provide, instead, that interest is imposed on an assessable penalty only if that assessable penalty is not paid within 10 days from the date of notice and demand, or within 10 days of the date of the notice of deficiency proposed to be assessed, whichever date is applicable.

Under existing law, the Franchise Tax Board is required to preserve reports and returns for 4 years from the due dates thereof and thereafter until it orders them to be destroyed.

This bill would revise those laws concerning the duty of the Franchise Tax Board to preserve reports and tax returns.

Under the existing Bank and Corporation Tax Law, organizations doing business in California or deriving income from California sources are subject to the imposition of taxes based on their income. The Franchise Tax Board is allowed to make a determination that a corporation is not doing business in this state or deriving income from sources within this state if its only activities are within specified limits.

This bill would permit a corporation to petition the Franchise Tax Board for a determination in accord with procedures established by the Franchise Tax Board. It would provide that the filing of that petition shall be deemed a waiver of certain confidentiality provisions with respect to the facts alleged in the petition and any additional evidence produced with respect to those facts.

Under the existing Bank and Corporation Tax Law, gain or loss is generally recognized to a corporate stockholder upon liquidation of a corporation.

This bill would prescribe special rules in liquidations involving any sale or exchange made by a corporation, all of whose shareholders are not United States persons, as defined.

This bill would also make various technical changes to the state tax laws.

This bill would take effect immediately as a tax levy, and would be applied, with specified exceptions, in the computation of taxes for taxable years beginning on and after January 1, 1981.

#### Ch. 280 (AB 852) Floyd. Motor vehicles: flashing amber warning lights.

Existing law permits various categories of vehicles to display flashing amber warning lights in connection with prescribed activities and under designated circumstances.

This bill would extend this authorization to vehicles used to collect and transport garbage, rubbish, or refuse operated by, or under contract or franchise with, a local public entity.

#### Ch. 281 (AB 1343) L. Stirling. Vehicles: removal from highway: storage.

Existing law specifies under what conditions a peace officer may move a vehicle, or may remove and store the vehicle, which is upon a highway or obstructing designated work.

This bill would add to those provisions parked or standing vehicles upon a highway which obstruct necessary emergency services, or routing of traffic at the scene of a disaster, which vehicles a peace officer would be authorized to move, to cause to be moved, or, if unoccupied and moving is impractical, to store pursuant to specified

provisions of law, except that the owner or driver would not be required to pay moving or storage charges if the vehicle was otherwise lawfully parked.

**Ch. 282 (AB 46) Deddeh. Senior citizen discount program.**

Under a newly enacted law, Chapter 31 of the Statutes of 1980, the Department of Consumer Affairs is required to establish a program of technical assistance to communities to facilitate the development of local discount programs known as the Golden State Senior Citizen Discount Program

This bill would declare that, in enacting Chapter 31 of the Statutes of 1980, the Legislature intended and does now intend that the Golden State Senior Citizen Discount Program described therein be a voluntary program and include programs under which senior citizens are provided reduced portions of retail food at reduced prices. Conforming changes would also be made by the bill.

**Ch. 283 (SB 166) Holmdahl. Probation.**

Existing law provides for public and other inspection of probation officer reports as specified. New reports are available until 30 days after judgment is pronounced or probation is granted, while reports from a previous arrest are available until final disposition of the case after an accusatory pleading is filed.

This bill would generally recast such provisions. The bill would specify that new reports are available from the date judgment is pronounced or probation is granted, and that previous reports are available until 60 days after judgment or the granting of probation as in the case of new reports.

**Ch. 284 (AB 421) Ivers. Probation.**

Existing law permits the court to impose as a condition of probation the payment of the cost of probation not to exceed the monthly amount determined to be the actual average cost of probation and specifies the procedures relating to the conduct of hearings to require such payment.

This bill would also allow the court to impose as a condition of probation the payment of the cost of conducting the presentence investigation and preparing the presentence report, as specified.

It would require that all sums so paid by a defendant shall be allocated for the operating expenses of the county probation department.

It would also make the operation of the above provisions contingent upon adoption of an ordinance by the board of supervisors.

**Ch. 285 (SB 511) Davis. Public Liability.**

Under existing law, prior to bringing a civil action for money or damages against a public employee or public entity, a person is generally required to have filed a claim with the public entity. However, existing law does not prohibit a person from bringing a civil action for money or damages while criminal charges are pending.

This bill would provide that a person charged with a criminal offense may not bring a civil action for money or damages against a peace officer or a public entity employing a peace officer based on the conduct of the peace officer which relates to the offense for which the accused is charged while the charges are pending in a justice, municipal, or superior court. Applicable statutes of limitations would be tolled for that period.

**Ch. 286 (AB 1544) Frazee. Courts: fees**

(1) Under existing law, the board of supervisors of a county may, within the 90 days preceding January 1, 1981, and within the 90 days preceding January 1 of each odd-numbered year thereafter, by resolution, fix the amounts to be charged as total filing fees in the courts within the county and establish the components thereof, for the succeeding 2-year period. If no resolution is adopted, the fees continue in the amounts previously authorized.

This bill would authorize the board of supervisors of any county to adopt a resolution prior to September 1, 1981, fixing the amounts to be charged as total filing fees in the courts within the county, and establishing the components thereof, for the period September 1, 1981, to December 31, 1982.

(2) Existing law establishes a fee of \$1.50 for issuing a writ of execution, a writ of possession, a writ for the enforcement of any order or judgment, or an abstract of

judgment.

This bill would repeal that provision.

(3) Existing law requires the collection of a \$2 fee, as specified, for the Judges' Retirement Fund.

This bill would specify that the fee shall be included within the total fee limitation for actions in municipal court, and would incorporate an increase in that fee from \$2 to \$5, as proposed by SB 594, contingent upon the enactment of SB 594, to become operative upon the effective date of SB 594.

(4) The bill would take effect immediately as an urgency statute.

Ch. 287 (SB 69) Maddy. State publications: depositories: public community college libraries.

An existing statute authorizes various categories of libraries to contract with the Department of General Services to become depositories of state publications, as specified.

This bill would include libraries of public community colleges within such categories

Ch. 288 (SB 21) Marks. Child care and development: severely handicapped children.

Chapter 798 of the Statutes of 1980, effective July 28, 1980, revised the Child Care and Development Services Act and repealed alternative child care provisions. That chapter does not specifically include provisions for the continuation of certain programs for the severely handicapped for which there is an appropriation in the Budget Act of 1980.

This bill would include provisions for the continuation of programs for severely handicapped children for the entire 1980-81 fiscal year to apply retroactively from July 1, 1980, and validate any action taken which would have been authorized by this bill. The bill would also authorize the Superintendent of Public Instruction to waive provisions of the Education Code to accomplish purposes with a specified exception.

The bill would take effect immediately as an urgency statute.

Ch. 289 (SB 129) Johnson. Structural pest control.

Under existing law, the Structural Pest Control Board may, in disciplining a licensee, impose a civil penalty in lieu of suspending the licensee's license, but it may do so only after an administrative hearing has been held, as specified.

This bill would authorize the board to impose a civil penalty in lieu of suspending the licensee's license without holding an administrative hearing first, if the licensee chooses to stipulate to disciplinary action prior to the administrative hearing. In addition, the bill would provide that if a proposed stipulation for disciplinary action is rejected by the board, the proposed stipulation shall be considered null and void and shall not constitute an admission of any violation charged.

Ch. 290 (SB 134) Alquist. Personal property: dies, molds, and forms.

Under existing law, the rights and title to a die, mold, or form made by a molder or tool or die maker may be transferred by operation of law to the molder or tool or die maker for the purpose of destroying or otherwise disposing of the die, mold, or form, if the customer does not claim possession of it within 3 years following the last prior use thereof and if the customer does not respond in person or by mail to claim possession within 30 days following the date a specified notice is sent by the molder or tool or die maker by registered mail to the customer's last known address or does not make other arrangements.

This bill would increase the 30-day waiting period to 120 days and would require the notice sent by the molder or tool or die maker to be sent to the chief executive officer of the customer or, if the customer is not a business entity, to the customer himself or herself.

Existing law provides that the above-referenced 3-year waiting period may be calculated retroactively as to dies, molds, and forms in the possession of a molder as of the effective date of the provision, which was January 1, 1980.

This bill would provide that the 3-year waiting period includes any period following the last prior use of a die, mold, or form, regardless of whether that period precedes that effective date.

**Ch. 291 (SB 136) Foran. Streets and highways: reports**

(1) Existing law requires the Department of Transportation to review the California freeway and expressway system and the entire state highway system and to report to the Legislature every 4 years as to progress made in developing the system and as to revisions.

This bill would repeal this existing law.

(2) Existing law requires every county and city to transmit to the department on or before May 1, 1981, and every 4 years thereafter, a report on its road or street system. The department is required to combine all information and estimates into a report which is required to be submitted to the Legislature at or prior to January 1, 1982, and each 4 years thereafter.

This bill would repeal this existing law.

(3) This bill would take effect immediately as an urgency statute.

**Ch. 292 (SB 194) Foran. State highways: route descriptions.**

Existing law describes and specifies the route number designation and descriptions of routes in the state highway system, the California freeway and expressway system, and the state scenic highway system.

This bill would make various changes in the descriptions of routes in the state highway systems.

The bill would also delete obsolete provisions and recast various related provisions.

**Ch. 293 (SB 261) Ellis. Radiologic technology.**

There is in existing law the Radiologic Technology Certification Committee of specified professional membership. Existing law repeals the provisions relating to the committee effective January 31, 1982.

This bill would repeal the provisions which would eliminate the Radiologic Technology Certification Committee and thereby continue the committee in existence indefinitely.

**Ch. 294 (SB 280) Foran. Air pollution: emission standards report.**

Under existing law, every person who manufactures new motor vehicles for sale in California is required to file semiannual reports with the State Air Resources Board with respect to the person's efforts and progress in meeting federal standards.

This bill would require annual reports instead of semiannual reports. The reports would include efforts and progress in meeting state emission standards and federal standards and research objectives and a summary would be required to be filed with the Governor and Legislature as soon after January 1 as possible. The bill would also correct obsolete references.

**Ch. 295 (SB 295) Foran. Contracts: Department of Transportation.**

Under existing law, the Department of General Services is required to approve contracts of state agencies except as otherwise provided. Contracts entered into by the Department of Transportation under the Streets and Highways Code are exempted from the Department of General Services approval requirement.

This bill would also exempt Department of Transportation contracts with railroad corporations or common carriers under the Government Code, and contracts for guideways, abandoned railroad lines, grade separation projects, and intermodal transfer facility projects under the Public Utilities Code, from the Department of General Services approval requirement.

**Ch. 296 (SB 318) Stiern. Kern Desert Regional Park.**

Under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, a local assistance grant was made to the County of Kern for the acquisition of lands for Kern Desert Regional Park.

This bill would authorize the county to dedicate portions of specified streets within that park to the City of Ridgecrest, provided that the primary purpose of those streets is to provide ingress and egress to areas and facilities of the park, and also that incidental uses of the streets do not interfere with the quality and accessibility of the park as determined by resolution of the Kern County Board of Supervisors.



**Ch 297 (SB 325) Ayala. Checks: insufficient funds.**

Existing law prohibits writing a check or other specified instrument without sufficient funds, knowingly and with intent to defraud.

This bill would specify, for purposes of prosecution under such law, information that would constitute prima facie evidence of the identity of the drawer of the instrument.

**Ch 298 (SB 497) Maddy. Agriculture.**

(1) Existing law does not provide a definition of and standards for evaporated lowfat milk. A temporary definition and standard has been established by the Department of Food and Agriculture by regulation.

This bill would establish definitions and specified standards for evaporated lowfat milk and condensed lowfat milk sold in California.

(2) Existing law provides a definition of and standards for evaporated skim milk and condensed skim milk.

This bill would make specified changes in the standards for evaporated skim milk and condensed skim milk.

(3) Under existing law, it is unlawful for any person who does not have a valid permit which is issued pursuant to regulations established by the Director of Food and Agriculture to sell, buy, receive, transport, deliver, or cause to be transported, or for any person to transport unless a permit accompanies the vehicle, any fruits, nuts, or vegetables which are exempt from standards established by the director with specified exceptions.

This bill would provide that it is unlawful for any person who has been issued a valid permit to perform the above-stated functions unless a permit accompanies the vehicle transporting the fruits, nuts, or vegetables.

(4) Existing law prescribes the contents and displaying of frozen dairy dessert.

This bill would eliminate the category of frozen dairy dessert and instead specify the permissible contents and displaying of lowfat frozen dairy dessert and nonfat frozen dairy dessert.

(5) Existing law requires that frozen yogurt, lowfat frozen yogurt, and nonfat frozen yogurt have a titratable acidity of not less than 0.5%.

This bill would permit this product to have a titratable acidity of not less than 0.30% when flavoring is added that contains no fruit or fruit flavoring.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 299 (SB 877) Sieroty. References.**

Under existing law, a "reference" is the sending of a pending action or proceeding, or certain issues involved in the pending action or proceeding, to a referee for hearing and determination and a report is then made back to the court. A reference may be voluntary, upon agreement of the parties, or involuntary, if directed by a court. An involuntary reference is permissible only in 4 specific instances.

This bill would authorize a court to require a reference in one additional instance, namely, to hear and determine discovery motions and disputes and to report findings and make a recommendation thereon when it is necessary for the court.

Under existing law, a court may fix the fees of referees. There is no express statutory guideline as to the payment of the fees.

This bill would expressly authorize a court to order the parties to pay the referee's fees in any fair and reasonable manner, including an apportionment of the fees among the parties, if the referee is not an employee or officer of the court.

**Ch. 300 (SB 1090) Robbins. General mutual insurers: meetings.**

Existing law does not contain provisions expressly relating to notice of meetings of general mutual insurers.

This bill would provide for such notice to members of general mutual insurers, as specified. It would also provide that the presence in person or by proxy of 5% of members constitutes a quorum, as specified.

**Ch. 301 (SB 1094) Stiern. Justice court judges: practice of law.**

Existing law prohibits a justice court judge from practicing law, as specified, before any justice court in the county in which he resides.

This bill would authorize the board of supervisors of a county by a two-thirds vote, to prohibit a full-time justice court judge in that county whose term of office begins on or after the effective date of the ordinance from practicing law in any court.

**Ch. 302 (SB 421) Ellis. Vehicle Equipment Safety Compact.**

Existing provisions of law provide for the participation of the State of California in the Vehicle Equipment Safety Compact.

This bill would repeal those provisions, and thereby terminate the state's participation.

**Ch. 303 (AB 409) Hughes. Cities and counties: planning.**

Existing law requires the adoption by each city and county of a general plan, consisting of specified mandatory and optional elements, and requires that zoning and proposed subdivisions within the area conform to the adopted general plan.

Under existing law, a mandatory element of a general plan may not be amended more than 3 times in a calendar year, except that this limitation does not apply to any amendment which is necessary to accommodate a proposed residential development, at least 25% of which constitutes low- or moderate- income housing, as defined.

This bill would provide that the specified percentage of low- or moderate- income housing may be on the same site as the other residential units proposed to be developed or at another site or sites encompassed by the general plan, and that the combined total number of residential units shall be considered a single development proposal for such purposes.

**Ch. 304 (AB 431) Moorhead. Board of Medical Quality Assurance.**

Existing law provides that applicants for a certificate issued pursuant to the Medical Practice Act which is based upon a commission as a medical officer or as a public health service physician and surgeon are to pay a specified application fee and a fee for the issuance of a certificate.

This bill would delete such provision.

Existing law authorizes the Board of Medical Quality Assurance to fix an initial license fee and a biennial renewal fee of specified maximum amounts and to charge a delinquency fee of a specified amount until January 1, 1982, for licenses issued pursuant to the Medical Practice Act.

This bill would remove the time limitation on the board's authority to fix and charge those fees.

Existing law provides that money in the Board of Medical Quality Assurance Contingent Fund is continuously appropriated to the Board of Medical Quality Assurance to carry out the provisions of the Medical Practice Act.

The fees provided in this bill would result in an increase of money in that fund which would be available for expenditure.

**Ch. 305 (AB 438) Tucker. California Veterans Board: compensation.**

Existing law provides the members of the California Veterans Board with a per diem of \$20 for each day's attendance at each meeting of the board and for each day spent on official duties.

This bill would increase the per diem from \$20 to \$50.

**Ch. 306 (AB 621) Harris. Public Contract Code.**

The present State Contract Act governs state public works contracts.

This bill would repeal the State Contract Act and would enact the Public Contract Code containing provisions identical to those of the existing State Contract Act.

**Ch. 307 (AB 875) Costa. State employees: payroll warrants.**

Existing law prohibits authorized officers from delivering to any employee either a Controller's warrant or revolving fund check unless all services for which the warrant or check represents payments have actually been rendered.

This bill would eliminate this provision and require the Controller to promulgate regulations with respect to the delivery of payroll warrants.

**Ch 308 (AB 1786) Ryan. Counties: revolving fund**

Existing law authorizes counties to establish a revolving fund of up to \$25,000 for the use of any officer of the county, by adopting a resolution specifying the necessity for the fund, the office, service or institution for which the fund is available, and the amount of the fund

This bill would increase the authorized maximum amount of a county revolving fund from \$25,000 to \$100,000.

**Ch 309 (AB 1817) Frazee Subdivision Map Act: appeals.**

An existing provision of the Subdivision Map Act requires that appeals from any action of an advisory agency with respect to a tentative map be filed within 15 days and specifies a similar time period for appealing an action of the appeal board to the legislative body

This bill would reduce the time for filing such appeals from 15 days to 10 days.

**Ch 310 (AB 2052) Frazee. County service areas.**

Existing law requires that a specified procedure be followed prior to establishing a county service area including among other things, approval by the local agency formation commission, the adoption by the board of supervisors of a resolution of intention to create such an area, notice to public agencies within a 3-mile radius of the affected land, and the holding of a public hearing on the establishment of such an area. Existing law permits the board of supervisors, at the conclusion of the hearing, to declare such an area established, without an election, or subject to voter confirmation

This bill would permit the local agency formation commission to approve and authorize the board of supervisors to conduct proceedings for the formation of a county service area without holding a hearing or an election, or both, if all of the owners of land within the affected territory have consented to the formation of the county service area

The bill would take effect immediately as an urgency statute.

**Ch. 311 (AB 2039) Vicencia Counties: money in the county treasury**

Existing law requires that at least once in each month the chairman of the board of supervisors, district attorney, and auditor count the money in the county treasury and make and verify in duplicate a statement containing prescribed information relating to such money.

This bill would permit the board of supervisors of any county, in lieu of the procedure prescribed by existing law, to prescribe by ordinance that such officers, at least once in each month, shall perform an audit of the county treasury and express an opinion attesting to the accuracy of the treasury records relative to the amount and type of assets in the treasury.

The bill would make other conforming changes

**Ch. 312 (AB 1969) Ingalls. Los Angeles Memorial Coliseum Commission.**

The Los Angeles Memorial Coliseum Commission was created pursuant to a joint powers agreement entered into by the City of Los Angeles, the County of Los Angeles, and the Sixth District Agricultural Association which is known as the California Museum of Science and Industry.

This bill would require that the joint powers agreement be amended to increase the commission membership by 2 additional ex officio, nonvoting members. One new member would be a Member of the Senate appointed by the Committee on Rules of the Senate and the other member would be a Member of the Assembly appointed by the Speaker of the Assembly. The 2 Members of the Legislature would be appointed for terms which are the same as other members of the commission and would participate in the activities of the commission to the extent that participation is not incompatible with their positions as Members of the Legislature.

**Ch 313 (AB 2079) Nolan. Small claims court assignees of claims**

Existing law provides that no claim shall be filed by or prosecuted in a small claims court by the assignee of a claim, but that this prohibition does not prevent the filing or prosecution of a claim by a trustee in bankruptcy in the exercise of the trustee's duties as trustee, or by the holder of a conditional sales contract who has purchased such contract for his or her portfolio of investments and who is not an assignee for the purpose of collection.

This bill would revise the provision to state that the prohibition shall not prevent the

filing, prosecution, or defense of an action in the small claims court by a trustee in bankruptcy in the exercise of the trustee's duties as trustee, or by the holder of a security agreement, retail installment contract, or lien contract purchased by the holder, who takes title thereto by assignment, which contract was written pursuant to the provisions of the Unruh Act or which was written pursuant to the provisions of the Automobile Sales Finance Act, and who has purchased such contract for his or her portfolio of investments and who is not an assignee for the purpose of collection.

**Ch. 314 (SB 1070) Holmdahl. Vehicles: combinations: length**

Existing law prohibits any combination of vehicles, including attachments, being longer than 65 feet. Under existing law, any extension or device used to increase the carrying capacity of a vehicle is required to be included in measuring the length of a vehicle except (1) a drawbar is not required to be included in measuring the length of a vehicle but is required to be included in measuring the overall length of a combination of vehicles, (2) extensions of not more than 18 inches in length on each end of a vehicle or combination of vehicles used exclusively to transport vehicles are not required to be included in measuring the length of a vehicle or combination of vehicles when the vehicles are loaded, and (3) any extension or device which is not used to carry any load and which does not exceed 3 feet in length, added to the rear of a vehicle and used exclusively for pushing the vehicle or a combination of vehicles, which vehicle or combination of vehicles is designed and used exclusively to transport earth, gravel, sand, and similar material, shall be included in measuring the length of the vehicle but shall not be included in measuring the overall length of the combination of vehicles.

This bill would authorize the use of a sliding fifth wheel or a sliding drawbar in specified combinations of vehicles, to extend the length of the combination not more than 2 feet 6 inches while traveling 35 miles per hour or less on any highway, except a freeway, and [would]\* provide that they shall not be included in measuring the overall length of the combination of vehicles. The bill would, however, ~~provide that [require]\* those combinations of vehicles shall not be longer than the maximum specified length when weighed to determine compliance with~~ [regardless of the position of the sliding drawbar, to conform to otherwise applicable]\* vehicle weight limits.

The bill would incorporate changes made in Section 35402 of the Vehicle Code by AB 352 (Ch. 54, Stats. 1981).

**Ch. 315 (SB 450) Foran. Insurance: arson investigations.**

Existing law permits an authorized agency, as defined, to request any insurer to release all information in its possession which the authorized agency determines to be relevant to the crime of arson. It also provides that in the absence of fraud or malice, the insurer or the authorized agency shall not be liable for damages in a civil action or subject to criminal prosecution.

This bill would require an authorized agency to notify the property insurer, if known and at the expense of the insurer, whenever it has reason to believe that a fire loss was not accidentally caused. It would permit the agency to release specific information regarding the fire loss whenever an ongoing investigation would not be jeopardized. The bill would also provide that, in the absence of fraud or malice, no insurer or person acting in its behalf, who furnishes information whether written or oral, or assists in any investigation conducted by an authorized agency shall be liable for civil damages, as specified. It would prohibit an authorized agency from making information received from an insurer public, ~~with [as]\* specified exception\*~~ The bill would, with respect to both insurers and an authorized agency, delete the provision ~~exempting them for liability from [which provides they are not subject to]\* criminal prosecution; under specified circumstances [for releasing arson investigation information]\*.~~

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 316 (AB 2126) Katz Labor: polygraph tests.**

Existing law prohibits any private employer from requiring any applicant for employment or any employee to submit to a polygraph, lie detector, or similar test as a condition of employment.

This bill would, in addition, require the employer to advise the person in writing at the time the test is to be administered of these rights before requesting the person to take such a test.

**Ch. 317 (AB 1794) Baker. Local agencies: claims settlement.**

(1) Under existing law, a local public entity may, by ordinance or resolution, authorize an employee to allow, compromise, or settle claims against the public entity; but only a charter provision of a local public entity may authorize employees to allow, compromise, or settle claims for amounts exceeding \$5,000.

This bill would increase the prescribed monetary limit to \$20,000.

(2) Under existing law, a county which is wholly or partially insured may establish a fund for the settlement of workers' compensation, public liability, or employee health and welfare benefit claims. The amount of the fund may not at any time exceed a sum sufficient for the settlement of claims for a 30-day period, as determined by the board of supervisors, or \$5,000, whichever is greater.

This bill would increase the prescribed monetary limit to \$20,000.

**Ch. 318 (AB 673) La Follette. Criminal prosecution.**

Existing law provides that when property taken in one jurisdictional territory by burglary, robbery, theft, or embezzlement has been brought into another jurisdictional territory, the jurisdiction of the offense is in any competent court within either jurisdictional territory.

This bill would similarly provide that when property is received in one jurisdictional territory with knowledge that it has been stolen or embezzled and such property was stolen or embezzled in another jurisdictional territory, the offense may be prosecuted in either jurisdictional territory.

**Ch. 319 (AB 545) Hannigan. State surplus property.**

Existing law authorizes the Director of General Services to execute grants to real property belonging to the state whenever state property is sold or exchanged.

This bill would authorize the director to sell to the City of Vacaville, a certain portion of the California Medical Facility, as specified.

This act would take effect immediately as an urgency statute.

**Ch. 320 (AB 136) Hannigan. Local agency revenue bonds.**

Under the Revenue Bond Law of 1941, local agencies may issue bonds to finance various specified public works, or "enterprises", as defined. The bonds, payable solely from revenues generated by the enterprise, must be approved in advance by a majority vote of the electors of the affected local agency.

This bill would require, in the case of facilities to be constructed by a local agency for the generation, production, or transmission of electric energy by wind, that undertaking the improvement, and the issuance of bonds therefor, be authorized by resolution or ordinance of the local agency governing board, and rather than requiring prior voter approval, would make the resolution or ordinance subject to referendum.

**Ch. 321 (AB 2107) Frazee. Mechanics' liens: claims.**

Existing law requires the execution of a claim of lien and a notice of completion under the mechanics' lien provisions of law to be acknowledged before either may be recorded. Existing law also requires a claim of lien and a notice of completion under the mechanics' lien provisions of law to be verified.

This bill would provide that a claim of a mechanics' lien and a notice of completion which is verified, without acknowledgment, shall be accepted for recording and shall be deemed duly recorded without acknowledgment.

**Ch. 322 (AB 857) Thurman. Courts. Merced and Stanislaus Counties.**

Existing law sets forth the number, compensation, and classification of officers and employees of the municipal court in Merced and Stanislaus Counties.

This bill would revise the number, compensation, and classification of specified officers and employees of the municipal court in Merced, and the compensation and classification of

cation of specified officers and employees of the municipal court in Stanislaus Counties.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 323 (AB 1929) L. Stirling. Subdividers: improvements: security for performance.

Existing law specifies various forms of security which a city or county may require a subdivider to furnish to guarantee the subdivider's performance of acts required by the city or county as a condition to approval of the subdivision.

This bill would make a letter of credit from a regulated financial institution a permissible form of security.

Ch. 324 (SB 467) Stiern. Municipal courts: Kern County.

Existing law provides for the appointment of a municipal court traffic referee in Kern County.

This bill would prescribe the compensation of a municipal court traffic referee in Kern County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 325 (AB 312) Harris. State holidays.

Existing law provides that specified days are state holidays.

This bill would designate January 15th "Dr. Martin Luther King, Jr. Day," and would make this day a state holiday.

Ch. 326 (AB 233) Deddeh. Income tax.

Existing law provides that an innocent spouse filing a joint return may be relieved from taxes, interest, and other penalties from omitted income in certain designated cases of omission by the other spouse.

This bill would additionally make those provisions applicable in situations involving understatements of taxable income resulting from taking erroneous deductions, and would eliminate a provision making the forgiveness applicable only where the omission exceeds 25% of the gross income stated in the return.

The bill would take effect immediately as a tax levy.

Ch. 327 (AB 1580) Herger. Marriages: fees.

Under existing law it is a misdemeanor for a commissioner of civil marriages or deputy commissioner of civil marriages to accept money or any other thing of value for performing a marriage, other than a fee expressly imposed by law for the performance of marriage.

This bill would provide that the foregoing provision is inapplicable to the acceptance of a fee for the performance of a marriage on Saturday, Sunday, or a legal holiday.

Ch. 328 (AB 1284) Rogers. Making of keys for residences.

Under existing law, any person who makes a key capable of operating the ignition of a motor vehicle for another by any method other than by the duplication of any existing key is required to obtain and set forth on a work order, a copy of which must be retained for inspection by peace officers, specified information regarding the person requesting or purchasing the key. Failure to do so is a misdemeanor.

This bill would similarly require any person who knowingly and willfully makes a key capable of opening any door or other means of entrance to any residence for another

by any method involving an onsite inspection of such door or entrance to obtain on a work order form, a copy of which must be retained for inspection by peace officers, specified information, including information regarding the person requesting or purchasing the key. Failure to do so would be a misdemeanor.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 329 (AB 1833) Filante. County Employees Retirement Law of 1937: membership.**

The County Employees Retirement Law of 1937, permitted elective officers to rescind until January 1, 1967, their optional membership in the retirement association.

This bill would permit elective officers to rescind their membership within 60 days after expiration of the officer's term of office or 60 days after the officer ceases to hold office.

**Ch. 330 (AB 1803) Rogers. Motor vehicle insurance.**

Existing law prohibits various forms of discrimination by insurers with respect to motor vehicle liability insurance, including discrimination against handicapped persons, as defined.

This bill would prohibit an insurer from refusing or failing to accept an application for motor vehicle liability insurance, or from failing to issue that insurance, on the basis that the owner of the motor vehicle is blind. The bill would permit an insurer to exclude from coverage injuries and damages incurred while the insured vehicle is operated by an unlicensed owner who is blind. The bill would prohibit an insurer from raising the premiums or canceling the policy of an insured blind person solely on the basis that the operators of the vehicle are changed frequently. The bill would not prohibit an insurer from applying its usual and customary underwriting and rating criteria with respect to operators of the vehicle.

The bill would specify that it does not affect criteria for licensure as an operator of a motor vehicle.

**Ch. 331 (AB 267) McAlister. Actions and proceedings.**

A court of appeal has recently held that a child afflicted with a genetic disorder has a cause of action for damages based on her birth where the defects were proximately caused by the negligent failure of a laboratory that conducted genetic tests on the child's parents to inform the parents that they were carriers of the genetic disorder.

This bill would provide that no cause of action arises against a parent of a child based upon the claim that the child should not have been conceived or, if conceived, should not have been allowed to have been born alive. It also would provide that the failure or refusal of a parent to prevent the live birth of his or her child shall not be a defense in any action against a third party, and would prohibit the failure or refusal from being considered in awarding damages.

**Ch. 332 (AB 1190) Katz. Juvenile court law.**

Under existing law, a proceeding in the juvenile court to declare a minor a ward of the court on the basis of criminal conduct is commenced by the filing of a petition by the prosecuting attorney. If a minor is found to be a person who comes within the jurisdiction of the court on the basis of criminal conduct the court is required to hear evidence on the proper disposition to be made of the minor, including receiving in evidence the social study of the minor made by the probation officer.

This bill would require the probation officer to obtain a statement from the victim concerning the offense which would be required to be included in the social study, in cases where a minor is alleged to have committed an act which would have been a felony if committed by an adult.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue

and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

In compliance with Section 2231.5 of the Revenue and Taxation Code, this bill would also repeal, 6 years after their effective date, the provisions contained in the bill for which state reimbursement is required.

**Ch. 333 (AB 1610) Levine. Postsecondary education.**

(1) Existing law provides that the maximum interest rate that can be paid on bonds issued by local governmental agencies is, with certain specified exceptions, 10 percent per annum.

This bill would authorize community college districts to issue revenue bonds at an interest rate not to exceed 12 percent per annum.

(2) Existing law authorizes the Trustees of the California State University and Colleges to issue specified revenue bond anticipation notes, bonds, and notes at an interest rate not to exceed 10 percent per annum.

This bill would authorize such bonds and notes to be issued at an interest rate not to exceed 12 percent per annum.

(3) Existing law authorizes the Regents of the University of California to issue specified bonds at an interest rate not to exceed 10 percent per annum.

This bill would authorize such bonds to be issued at an interest rate not to exceed 12 percent per annum.

(4) This bill would remain in effect only until January 1, 1985, and as of that date is repealed, with affected statutes then being restored to their present form.

(5) This bill would take effect immediately as an urgency statute.

**Ch. 334 (AB 167) Greene. School sites: nonuse payments.**

Existing law provides for the imposition of nonuse payments whenever a school district acquires a school site for school purposes and does not use that site within a specified time period. Current law also provides for, among other things, the termination of the nonuse payments and the return to the district of those payments if, within 2 years of the date the State Allocation Board determines that the site is unused, the district either begins to use the site or sells the site.

This bill would, instead, provide for the termination of the nonuse payments and the return to the school district of the payments if, within 2 years of the date that a certified nonuse payment has been deducted from the district's apportionment, the district either begins to use the site or has sold the site.

**Ch. 335 (AB 170) Rogers. Golden Empire Transit District**

(1) Under the Golden Empire Transit District Act, the Golden Empire Transit District is required, with specified exceptions, to purchase by contracts let to the lowest responsible bidder all supplies, equipment, and materials exceeding \$5,000.

This bill would raise the amount above which purchases are required to be put to bid to \$10,000, or, in the case of fuels purchased in any one month, to \$15,000, but would require the district board to secure at least 3 price quotations for each procurement exceeding \$1,000.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.



**Ch. 336 (AB 380) Deddeh. Taxation: installment sales.**

Existing Personal Income Tax Law and Bank and Corporation Tax Law provide for the taxation of installment payments when received on the sale of property, if specified conditions, such as less than 30% of the selling price is received in the year of the sale, are met.

This bill would conform the provisions of the Personal Income Tax Law and Bank and Corporation Tax Law respecting the taxation of installment payments to federal law.

The bill would take effect immediately as a tax levy and would apply to the computation of taxes for taxable and income years commencing on or after January 1, 1981.

**Ch. 337 (AB 384) Hannigan. Sales and use taxes**

Under existing law, the State Board of Equalization is charged with the duty of administering the Sales and Use Tax Law, and is given authority to collect these taxes by various legal means.

This bill would provide that upon termination, dissolution, or abandonment of a corporate business, any officer or other person, as specified, shall be personally liable for sales and use taxes unpaid during a specified period of time, plus interest and penalties thereon, if such officer or other person willfully fails to pay or to cause to be paid, as those terms are defined, any sales and use taxes due from the corporation, and the board establishes certain facts.

**Ch. 338 (AB 361) Deddeh. Occupational licenses: lessor-retailers.**

(1) Existing law defines "distributor", for purposes of the Vehicle Code, as a person other than a manufacturer who sells or distributes new motor vehicles, as specified. Existing law also defines "distributor branch" as an office maintained by a distributor for the sale of new motor vehicles to dealers or as specified.

This bill would expand those definitions to apply to all new vehicles, as specified.

(2) Existing law requires a lessor-retailer to be licensed as a vehicle dealer or as a lessor-retailer by the Department of Motor Vehicles or have a temporary permit from the department. Existing law provides for suspension or revocation of the lessor-retailer license, but does not expressly provide for expiration of the license.

This bill would provide for the expiration of every lessor-retailer license on December 31 of each year and for the renewal of the license upon application and payment of renewal fees between November 1 and November 30 preceding the expiration

**Ch. 339 (AB 658) Martinez. Criminal appeals**

Under existing law, an appeal may be taken by a defendant from a final judgment. Existing law provides that in superior courts the commitment of a defendant for narcotics addiction shall be deemed a final judgment 90 days after commitment, and that in municipal and justice courts, a conviction of a defendant committed for narcotics addiction shall be deemed a final judgment 90 days after commitment.

This bill would instead provide that, in superior courts, the commitment of a defendant for narcotics addiction shall be deemed a final judgment and, in municipal courts, the conviction of a defendant committed for narcotics addiction shall be deemed a final judgment.

**Ch. 340 (AB 696) Wray. Motor vehicles former law enforcement vehicles**

Existing law generally requires former law enforcement vehicles which are sold to be painted or partially painted and the insignia or other marking removed before operation on the streets and highways. Existing law, with specified exemptions, prohibits persons from owning or operating motor vehicles painted to resemble law enforcement vehicles.

This bill would exempt motorcycles, without insignia, from those provisions.

**Ch. 341 (AB 715) Duffy. Bank and corporation law church exemption**

Under the existing Bank and Corporation Law, certain organizations are exempt from taxation, including organizations operated exclusively for religious purposes. Those organizations are, however, subject to taxation for unrelated business taxable income, as specified.

This bill would provide that in the case of an exempt church, any rental income received directly or indirectly from another exempt church for rental of the exempt function property is exempt from taxation.

The bill would take effect immediately as a tax levy, but its operative date would depend on when the bill takes effect.

**Ch. 342 (AB 813) Kapiloff Ecological reserves**

Existing law authorizes the Department of Fish and Game, with the approval of the Fish and Game Commission, to obtain land and water for the purpose of establishing ecological reserves for the purpose of protecting rare or endangered native plants, wildlife, or aquatic organisms or special habitat types.

This bill would add, to the purposes for which a reserve may be established, the protection of large and heterogeneous natural marine gene pools for the future use of mankind.

**Ch. 343 (AB 881) Ryan. Vehicles: parking: removal from highway**

(1) Existing law specifies when a peace officer or a regularly employed and salaried employee of a city or county may remove a vehicle from a highway. Those circumstances include vehicles registered in a foreign jurisdiction known to have been issued 5 or more parking violation notices over a period of 5 or more days to which the owner or person in control has not responded, in which case the vehicle may be impounded until the bail for the violations is deposited, a notice to appear is issued, or appearance before a magistrate is demanded.

This bill would add vehicles without current California registration to the foreign registered vehicles which may be impounded when known to have 5 or more violations over 5 or more days and the owner or person in control has not responded. The bill would also require evidence of registration to be produced after a vehicle has been impounded pursuant to that circumstance or a notice to appear would be required to be issued for a violation of the prohibition against leaving an unregistered vehicle on a highway to the owner or person in control furnishing identification.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 344 (AB 951) Bosco. Salmon and steelhead rehabilitation**

This bill would authorize the Department of Fish and Game to make grants to non-profit organizations and political subdivisions of the state to cooperate with the department in salmon and steelhead rehabilitation along the north coast.

The bill would make other technical, nonsubstantive changes.

**Ch. 345 (AB 983) Leonard. Civil actions to abate fire hazards.**

(1) Existing law does not make specific provision for civil actions to be brought by district attorneys or the Attorney General at the request of the State Fire Marshal to enjoin or restrain acts or practices which constitute violations of provisions of law relating to control of fire hazards.

This act would make specific provision for such civil actions, as specified.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

**Ch. 346 (AB 890) Bates. Independent living centers.**

Existing law provides that independent living centers shall receive funds in order to provide various types of services to disabled persons.

Existing law provides that specified departments, including the Department of Rehabilitation may, not more frequently than once in each fiscal year, provide advance funding to specified types of nonprofit entities, including independent living centers, in

an amount which does not exceed 25% of the annual allocation for each entity.

This bill would in addition provide that the Department of Rehabilitation shall be authorized to advance to an independent living center, as defined, an amount, each month, not in excess of  $\frac{1}{12}$  of the annual allocation for an independent living center, subject to the center's meeting accounting criteria established by the department.

**Ch. 347 (AB 1001) Bates. Sick leave: regional centers.**

Under existing law, employees of the former State Department of Health performing functions which, prior to July 1, 1973, were vested in the former Department of Mental Hygiene and who, after July 1, 1972, were transferred for various reasons to county or local mental health programs, are entitled to transfer their unused sick leave balance accrued while employed by the former State Department of Health under certain circumstances. The cost of preserving and paying for such sick leave is totally funded by the state.

This bill would grant the same authorization to transfer the unused sick leave balance to the employees of the State Department of Developmental Services performing functions which were vested in the department and who are transferred on and after the effective date of this act, to a regional center as a result of a regional center undertaking the performance of functions previously performed by the department.

This bill would take effect immediately as an urgency statute.

**Ch. 348 (AB 1216) Lancaster. Insurance.**

Existing law makes provisions for the licensing year, and licensing term for insurance production agency licenses.

This bill would revise such terms.

Existing law provides that every applicant for an original or a renewal license to act as production agency shall, as a part of the application, endorse an authorization for disclosure to the Insurance Commissioner of financial records of any fiduciary funds held by such applicant.

This bill would delete the requirement for the endorsement of the authorization upon renewal, and would require that the authorization endorsed for an original license have full force and effect for so long as the individual applicant remains licensed by the department.

Existing law provides that no person shall act as, or hold himself out to be, an administrator in this state, other than an adjuster licensed in this state for the kinds of business for which he is acting as an administrator, unless he holds a certificate of registration as an administrator issued by the commissioner.

This bill would additionally provide that every administrator shall comply with specified provisions of law relating to approval of fictitious business names under which he or she conducts his or her business.

Existing law provides for the issuance of a license to act as a surplus line broker.

This bill would revise the filing requirements for surplus line brokers, and would provide for a two-year license term, renewal of a license, the imposition of penalty fees for late filing, and fee requirements for additional persons named on a license.

The bill would also make various conforming and technical changes.

**Ch. 349 (AB 1207) Kelley. Trespass.**

Existing law provides that any person who willfully commits a trespass by any of specified acts is guilty of a misdemeanor.

This bill would add to those acts refusing or failing to leave a hotel or motel, where the person has obtained accommodations, and has refused to pay for the accommodations upon request of the proprietor or manager.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 350 (AB 1177) Ingalls. California Transportation Commission: legal staff.**

Existing law authorizes the legal division of the Department of Transportation to serve as the legal advisor to the California Transportation Commission at its request.

This bill would authorize the commission to employ its own legal staff or to contract with other state agencies for legal services, or both.

**Ch. 351 (AB 1131) Bates. Peace officers' employment.**

Existing law does not prohibit public entities from permitting their peace officers to be employed by private employers as security guards during, and at the site of, a strike, lockout, picketing, or other physical demonstration of a labor dispute which occurs in the jurisdiction in which the peace officer is regularly employed.

This bill would so prohibit, would specify that the prohibition also applies when a peace officer is on loan from one jurisdiction to another with regard to both jurisdictions, and would declare the intent of the Legislature in this regard.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

**Ch. 352 (AB 1086) Greene. Barbering**

Existing law specifies the qualification for a person who is applying for a certificate as a registered apprentice in barbering and requires, among other things, that an applicant be under the supervision of a registered barber instructor for the first 3 months of apprenticeship training or complete a minimum of 3 months of preapprentice training, as specified.

This bill would change the preapprentice training requirement to 39 hours, rather than 3 months.

**Ch. 353 (AB 1038) Sher. Surrender of license: effective date.**

Existing law, with respect to the licensing of escrow agents, personal property brokers, and small loan licensees, provides that the license shall remain in effect until surrendered, revoked, or suspended.

This bill would provide, with respect to such licenses, that the surrender of a license becomes effective 30 days after receipt of an application to surrender the license or within such shorter period of time as the Commission of Corporations may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon a surrender is instituted within 30 days after the application is filed, and if such a proceeding is pending or instituted, surrender of a license becomes effective at such time and upon such conditions as the commissioner determines.

**Ch. 354 (AB 1020) Kapiloff. Fish: trammel nets: permits.**

(1) Under existing law, gill nets may only be used pursuant to a permit issued by the Department of Fish and Game. Existing law requires the Fish and Game Commission to establish regulations for the issuance of such permits as necessary to establish an orderly gill net fishery; requires the regulations to include a requirement that persons being granted a permit have had previous experience as a crewmember of a vessel using gill nets or have successfully passed a proficiency test; requires the Director of Fish and Game to establish a permit fee which is deposited in the Fish and Game Preservation Fund, a continuously appropriated fund; and requires the director to establish an advisory committee to advise the department in developing regulations to be proposed to the commission governing the use of gill nets.

This bill would include the use of trammel nets within the foregoing provisions.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school

districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 355 (AB 1554) Rosenthal. Dentistry.**

Existing law provides that any person over 18 years of age is eligible to take the examination for a license to practice dentistry upon making application therefor, paying the examination fee, and furnishing evidence of graduation from an approved dental college.

This bill would require an applicant, in addition, to furnish evidence of financial responsibility or liability insurance for injuries sustained or claimed by a dental patient in the course of the examination as a result of the applicant's actions.

**Ch. 356 (AB 1459) M. Waters. Small business development**

Existing law provides for an Office of Small Business Development which is under the administration of an executive director. The Small Business Development Board is required to perform various functions including advising the executive director on matters relating to small business development, and adopting regulations as proposed by the executive director.

This bill would revise various provisions of the law relating to small business development corporations to reflect the current division of duties between the executive director and the Small Business Development Board.

This bill would also eliminate obsolete references to job creation corporations in various provisions since these corporations have since been renamed small business development corporations.

This bill would also extend the authority of the executive director of the Office of Small Business Development, as specified.

Finally, this bill would make various changes in the administration of the small business development corporation program and the operations of these corporations, as specified.

**Ch. 357 (AB 1361) Martinez. Vehicles: speed traps.**

(1) Existing law defines a "speed trap" to include, among other things, a section of highway where radar or other electronic devices are used to measure the speed of moving objects and which has a prima facie speed limit not justified by an engineering and traffic survey conducted within a specified period prior to an alleged violation.

Existing law also provides that the speed trap provisions do not apply to local streets and roads and would define local streets and roads for these purposes. This provision is to remain in effect only until January 1, 1982.

This bill would extend the termination date to January 1, 1987.

(2) Existing law prohibits the use of evidence as to the speed of a vehicle when the evidence is based on the use of a speed trap. This bill would make clarifying changes for the use of radar in speed law enforcement.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 358 (AB 1346) La Follette Disposition of state property**

The Department of General Services is generally charged with the responsibility for the management of state-owned lands.

This bill would authorize the Director of General Services, with the approval of the State Public Works Board and the Director of Parks and Recreation, to sell a specified parcel in Topanga State Park to the property owner of a specified contiguous parcel for current market value, plus administrative and other costs actually incurred by the state

in connection with the sale.

The bill would allow reimbursement of any cost incurred in the disposition of the parcel from the proceeds of the disposition, thereby making an appropriation, and would require any proceeds in excess of that amount to be deposited in the State Parks and Recreation Fund.

The bill would take effect immediately as an urgency statute.

**Ch. 359 (AB 1328) Floyd. State Fire Marshal: inspection of jails.**

Existing law requires the State Fire Marshal or his or her representative to annually inspect jails and places of detention unless the chief of the local fire protection entity, or the chief's authorized representatives, indicates in writing that the inspections will be done by the chief, or the chief's authorized representative. A report of the inspection is required to be submitted to specified persons.

This bill would require the report to be submitted within 30 days of the inspection, and additionally, would require the inspection by the State Fire Marshal unless the required report is submitted by the local fire chief or his or her authorized representative.

**Ch. 360 (AB 1254) Papan. Structural pest control.**

Under existing law relating to structural pest control, all members of fumigating crews are required to be provided with effective masks of a type approved by the United States Bureau of Mines.

This bill would provide instead that 2 effective masks of a type approved by the National Institute of Occupational Safety and Health for protection against the fumigant being used shall be made readily available to a fumigating crew whenever a fumigant is released or removed from a structure.

Existing law provides that the deadline for filing or furnishing inspection reports and notices of work completed is 5 days after the completion of the inspection, the report, or the work, as the case may be.

This bill would revise the deadline to 5 working days after the completion of the inspection, the report, or the work, as the case may be.

Under existing law, whenever an inspection report is filed, as specified, the Structural Pest Control Board is required to send to specified individuals a certified copy of all inspection reports and completion notices made on the property and filed with the board during the preceding 2 years.

This bill would require the board to provide the copies only if requested to do so and only upon payment of an appropriate search fee.

Under one provision of existing law, the board is required to submit to the Governor, within 30 days prior to each general session of the Legislature, a full and true report of its operations during the preceding biennium, as specified. Under another provision of existing law, the board is not required to submit such report to the Governor.

This bill would repeal the provisions of law requiring the board to submit a report to the Governor, as specified.

Under existing law, if an individual, partnership, association, or corporation applying for an operator's license qualifies as specified, the board is required to issue an operator's license to the applicant.

This bill would require the board to issue a license to a qualified applicant within one year after the applicant passes the examination for licensure.

Under existing law, any person has a right to request and, upon payment of a fee, to obtain directly from the board a certified copy of all inspection reports and completion notices prepared and filed by any structural pest control operator during the preceding 2 years.

This bill would instead provide that a person may only obtain reports and notices prepared and filed by a structural pest control operator on a particular property.

Under existing law, a renewal operator's license and a renewal field representative's license are defined in terms of whether an individual had, respectively, an operator's license or a field representative's license on the preceding June 30th.

This bill would instead define the licenses in terms of whether an individual had the appropriate license on June 30th of the preceding renewal period.

Under existing law, the fee for an operator's license renewal may not be fixed at more

than \$50, the fee for a principal office registration renewal may not be fixed at more than \$50, the fee for a branch office registration renewal may not be fixed at more than \$25, and the fee for a field representative's license renewal may not be fixed at more than \$15.

This bill would instead permit each of the above specified renewal fees to be charged per year for each triennial renewal period.

Existing law provides for a charge of not more than \$25 for a solicitor-trainee permit.

This bill would repeal this provision and provide instead for a charge of not more than \$15 for an applicator examination which would be deposited in the continuously appropriated Structural Pest Control Fund

#### Ch. 361 (AB 1553) Elder. Property taxation: property statements.

Existing law requires the assessor to use certified or registered mail in giving notice to persons owning taxable personal property that their signed property statement has not been received by the assessor within the statutory time.

This bill would authorize the assessor to also use first-class mail in giving the required notice.

#### Ch. 362 (AB 1537) Harris. Vehicles: fees and judgments.

(1) Under existing law, whenever nonpayment of a judgment for damages resulting from operation of a motor vehicle requires the department to suspend the driver's license of the judgment debtor, the court is required to forward a copy of the judgment for damages, as specified, to the Department of Motor Vehicles within 30 days after the judgment has become final and not satisfied or stayed. If the debtor gives proof of financial responsibility for future damages and the court orders payment of the judgment in installments, which are not in default, the department may not suspend a license or is required to restore a license suspended for nonpayment of the judgment and the court is required to send a copy of the order for payment in installments to the department. If the judgment debtor fails to pay an installment, the court is required to give notice to the department, and the department is required to then suspend the driving privilege of the judgment debtor.

This bill would make the filing by the court of the notices and orders subject to the request and payment of the required fees by the judgment creditor, and would provide that the required fees, as set by the court, for forwarding certain specified documents to the department be commensurate with the cost incurred by the court.

(2) Under existing law, a 50¢ assessment on every fine and forfeiture is imposed by a municipal court conducting a night session, as specified.

This bill would raise that assessment to \$1

(3) Under existing law, a court may order a person convicted of a traffic violation to attend a school for traffic violators or a licensed driving school, and, in that case, the person is required to pay a fee, not to exceed \$5, for the court costs incurred.

This bill would raise the maximum fee to \$10

#### Ch. 363 (AB 1087) Costa Cal-Vet: subsequent purchases

Under existing law, a veteran who is purchasing from the Department of Veterans Affairs a farm or home under the Veterans' Farm and Home Purchase Act of 1974 may be granted a subsequent opportunity to purchase a farm or home if one of various specified conditions occurs, and is required to pay toward the purchase of the new farm or home the net equity received from sale of the former property.

This bill would restrict the maximum amount which the department would be authorized to pay toward a subsequent purchase to the lesser of (1) the balance of the purchase price of the new property after payment of the net equity from the sale of the former property or (2) the unpaid contract balance at the time of sale of the former property.

#### Ch. 364 (AB 2149) Elder. Write-in candidates

Existing law requires write-in candidates who are required to be certified by the Secretary of State to submit a write-in statement and nomination papers by no later than the 14th day prior to the election. Other write-in candidates, currently, must submit the statement and nomination papers by the 8th day prior to the election.

This bill would require all write-in candidates to file the statement and nomination

papers by the 14th day prior to the election.

**Ch. 365 (AB 1904) Moore. Building permits.**

Existing law restricts local agencies which issue permits to certain conditions on those permits and expressly authorizes fees for those permits necessary to enforce the State Housing Law. Existing law requires a tentative and final or parcel map for certain subdivisions of land. Existing law requires a preliminary soil report or waiver thereof as a condition for every subdivision requiring a tentative and final map and the building department may condition issuance of building permits on corrective action taken to prevent damage to dwellings to be constructed on expansive soil. Existing law prohibits construction, except model homes, on a subdivision requiring a tentative and final map until the maps are filed for recording. Existing statutory law does not prohibit nor authorize a building permit to be issued for construction on a subdivision parcel before recording the maps.

This bill would expressly authorize the issuance of a building permit for construction on a parcel created by the map prior to the recording of a tentative final, or parcel map.

**Ch 366 (AB 1710) Cortese Property taxation**

Existing law provides for the attachment of interest and delinquent penalties at specified percentage rates on delinquent payments of property taxes on the secured and unsecured rolls and on the redemption of tax-sold and tax-deeded property.

This bill would increase all of those interest and delinquency penalty percentage rates.

**Ch. 367 (AB 1687) Harris San Francisco Bay Area Rapid Transit District: existing facilities**

Under the San Francisco Rapid Transit District Act, the San Francisco Bay Area Rapid Transit District is required to meet its service commitments within the district, as specified, before expending funds for extension of services and facilities outside its boundaries, but not precluding (1) rail line extension to other areas that may be annexed to or affiliated with the district if the construction of the extension is financed by other than district funds or (2) improvements to existing district stations and yards.

This bill would specify that construction of a new turnback zone and storage tracks south of the Daly City station be considered improvements to existing district stations and yards for these purposes.

**Ch 368 (AB 1685) Harris Municipal utility districts. holidays.**

(1) Under the Municipal Utility District Act, the board of directors of a municipal utility district is authorized to declare the preceding Friday as a work holiday for its employees when a legal holiday falls on Saturday.

This bill would, in addition, permit the board to declare the Friday following Thanksgiving Day a work holiday if necessary to implement an agreement with an employee organization representing district employees, and under existing law the matter would thus become subject to employer-employee relations provisions.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) The bill would take effect immediately as an urgency statute.

**Ch 369 (SB 106) Foran State highways. viewing machines**

Under existing law, the Department of Transportation is not authorized to permit the installation of viewing machines along state highways.

This bill would authorize the department, unless prohibited by federal laws or rules and regulations, to permit the installation of coin-operated viewing machines at the vista point on the north end of the Golden Gate Bridge. Any money received by the state for permitting the placement of these viewing machines would be transferred to the State Highway Account in the State Transportation Fund.



**Ch 370 (SB 76) Johnson. State surplus property**

Existing law authorizes the Director of General Services to execute grants to real property belonging to the state whenever such property is sold or exchanged.

This bill would authorize the Director of General Services to sell, exchange, or lease specified property pursuant to those terms and conditions which the director feels are in the best interest of the state, as specified. This bill would require public notice in the disposition of property and specify the money received shall be paid into the General Fund, except as otherwise noted.

**Ch. 371 (SB 22) Marks. Schools: asbestos control**

Existing law requires school district governing boards to give diligent care to the health of the pupils.

Under current law the State School Deferred Maintenance Fund is available for moneys needed by school districts to maintain district schools. Procedures are prescribed for allocation by the State Allocation Board from the State School Deferred Maintenance Fund to district deferred maintenance funds.

This bill would authorize the governing board of every school district to conduct programs to control or eliminate health problems posed by the presence of asbestos in schools and would authorize governing boards to use district deferred maintenance funds for the encapsulation or replacement of asbestos materials in public schools, as specified.

This bill also would provide that school districts with asbestos control programs may be reimbursed as part of their apportionment from the State School Deferred Maintenance Fund, except to the extent that federal funds become available for the removal of asbestos from schools.

**Ch 372 (SB 16) Greene. Land surveyors.**

Existing law requires a licensed land surveyor or registered civil engineer to file a written record of corner establishment or restoration, known as a "corner record," for every public land survey corner, as defined by the Manual of Instructions for the Survey of the Public Lands of the United States.

This bill would instead require such a "corner record" to be filed for every corner established by the Survey of the Public Lands of the United States, except "lost corners," as defined by the Manual of Instructions for the Survey of the Public Lands of the United States and except as otherwise provided. This bill would also require a record of survey to be filed, as specified, after the establishment of a "lost corner."

**Ch 373 (SB 275) Sieroty. Guarantee of thrift accounts**

Existing law authorizes the Commissioner of Corporations of California to take possession of the property and business of an industrial loan company whenever it appears to the commissioner that one of several conditions occurs.

This bill would add another such condition, namely, if the industrial loan company fails to make good an alleged deficiency of net worth, as specified.

Under existing law, Guaranty Corporation exists to essentially insure thrift accounts up to \$10,000, in the event the property and business of an industrial loan company which has issued, and has outstanding, thrift obligations has been liquidated or is in the process of liquidation by the commissioner and the proceeds of liquidation distributed ratably are insufficient to pay up to \$10,000 of each thrift obligation, as specified.

This bill, in addition, would authorize the commissioner at any time to require industrial loan companies who are required to be members of Guaranty Corporation to increase to \$20,000 the amount guaranteeing the thrift obligations of members for each account, if the amount in the guaranty fund is in excess of 1% of the total outstanding thrift obligations of all members, unless the commissioner has taken possession of the property and business of the particular company, as specified.

Existing law provides for thrift obligations to be paid by Guaranty Corporation, up to \$10,000 for each thrift obligation, as specified, when certain conditions occur relative to the ability of an industrial loan company member to meet its obligations.

This bill would increase the liability for Guaranty Corporation to \$20,000 for each thrift obligation of members if the commissioner issues a written order therefor, as specified.

Existing law requires new members of Guaranty Corporation to pay to the Guaranty Fund \$50,000 as a condition to becoming a member.

This bill would increase that amount to \$100,000 and would require members in

existence prior to January 1, 1982, who have paid less than \$100,000 to increase the prior amount paid to \$100,000, as of January 1, 1987, if the controlling interest, as defined, is transferred.

**Ch. 374 (SB 174) Russell. Public Employees' Retirement System contracting agencies**

(1) The Public Employees' Retirement Law provides that credit for service prior to a contracting agency's entry into the Public Employees' Retirement System shall be granted to all employees and former employees.

This bill would permit contracting agencies to limit their prior service liability to members employed on the date of their contract with the system and, under existing law, the matter would thus be subject to employer-employee relations provisions.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

**Ch 375 (SB 173) Russell. Public Employees' Retirement System: benefits.**

The Public Employees' Retirement Law requires all payments from the Public Employees' Retirement Fund to be made upon warrants drawn by the Controller upon demands made by the retirement board.

This bill would authorize the board to establish a special account and procedure to directly pay estimated benefits on an emergency basis.

**Ch. 376 (SB 170) Russell. Public Employees' Retirement System: beneficiary designation**

The Public Employees' Retirement Law presently permits a member to designate any person, including a corporation, as a beneficiary to receive benefits on account of the death of the member

This bill would also authorize a member to designate the member's estate as a beneficiary in those cases and would validate prior designations of estates as beneficiaries

**Ch. 377 (SB 139) Speraw Property taxation damaged property.**

Under existing law, the county board of supervisors may, by ordinance, provide for the reassessment of certain real property which is damaged or destroyed in a prescribed manner.

This bill would make various changes in the method of assessing such property.

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to this bill for a specified reason

**Ch. 378 (SB 117) Ayala. Improvement Bond Act of 1915**

Under the Improvement Bond Act of 1915, a city or county is authorized to create a special reserve fund to discharge delinquent assessments on bonds issued under the act

This bill would change the procedures for administering and liquidating the special reserve fund Money in the special reserve fund could be used for a credit upon the assessment or for transfer to the redemption fund for advance retirement of bonds, or both, in the amount and at the time determined by the legislative body The bill would change the authority for making temporary investments of money in the special reserve fund

The bill would take effect immediately as an urgency statute

**Ch 379 (SB 530) Keene. County Employees Retirement Law of 1937: benefits.**

(1) Existing County Employees Retirement Law of 1937 authorizes the governing bodies of San Diego, Ventura, and San Mateo Counties to terminate the applicability of optional provisions as to certain current employees of those counties who elect by

written notice to have those provisions terminated as to them.

This bill would authorize the governing body of Marin County to make similar provisions applicable to its employees and, under existing law, the matter would thus become subject to employer-employee relations provisions.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 380 (SB 380) Holmdahl Fees

Existing law requires the Director of Consumer Affairs to set automotive repair dealer registration fees in an amount not less than \$25 nor more than \$50 for each place of business in the state.

This bill would require that these automotive repair dealer registration fees be set in an amount not more than \$100 for each place of business in the state.

Existing law requires the Director of Consumer Affairs to set the annual renewal fee for an automotive repair dealer registration in an amount not exceeding \$50 for each place of business in the state, if renewed prior to its expiration.

This bill would require that this annual renewal fee for an automotive repair dealer registration be set in an amount not exceeding \$100.

Existing law provides that money in the Automotive Repair Fund is continuously appropriated for the administration of the provisions relating to automotive repair dealers.

The increase in fees provided for in this bill will result in an increase in the Automotive Repair Fund.

#### Ch 381 (SB 355) Sieroty Subdivisions time-share estates and uses.

Under the subdivided land laws, purchasers of a lot or parcel in a land project, as defined, regulated by the Real Estate Commissioner have a limited right to rescind their contract or agreement to purchase.

Legislation enacted in 1980 made certain provisions of the existing subdivided land laws applicable to sales of time-share estates and time-share uses in a time-share project, as defined. This bill would extend to prospective purchasers of time-share estates and uses a limited right of rescission.

The bill would take effect immediately as an urgency statute.

#### Ch 382 (SB 329) Keene. Professional foresters licensure

(1) Under existing law, persons registered or certificated under the Professional Foresters Law may be subject to disciplinary action for specified reasons, including conviction of a felony.

This bill would limit that reason to conviction of a felony substantially related to the qualifications, functions, or duties of a registered professional forester and would require the State Board of Forestry to develop criteria to determine whether a felony is substantially related to those qualifications, functions, or duties.

(2) Under existing law, issuance of a license may be denied if sufficient evidence is received by the board of the commission or doing by the applicant of any act which, if committed or done by a licensee, would be grounds for the suspension or revocation of his license.

This bill would permit the board, in any decision denying an application, to provide that it will accept no future application from the applicant until he complies with specified conditions.

#### Ch. 383 (SB 306) Presley Pharmacy corporations

Existing law authorizes the issuance of a permit to operate a pharmacy to, among others, a corporation organized under the General Corporation Law. The law does not provide for a pharmacy to be incorporated under the Moscone-Knox Professional Corporation Act.

This bill would provide for the incorporation of pharmacies pursuant to the Moscone-Knox Professional Corporation Act.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 384 (SB 281) Presley. Private Investigator and Adjuster Act.

Previous law required licensees of the Private Investigator and Adjuster Act to file a specified bond as a condition of doing business in this state and the law authorized the filing of a cash deposit in lieu of a bond. These requirements were deleted by Chapter 754 of the Statutes of 1980.

This bill would require the Bureau of Collection and Investigative Services or the State Treasurer to cause the release and return of any cash deposit filed by a licensee of the Private Investigator and Adjuster Act.

#### Ch. 385 (SB 808) Foran. Relocation assistance.

Existing law requires a public entity, as defined, as a part of the cost of acquisition, to make a payment to the owners of real property acquired for public use which is improved with a dwelling actually owned and occupied by the owner for not less than a specified period prior to the initiation of negotiation for the acquisition. The payment is required to be made only to a displaced owner who purchases and occupies a replacement dwelling meeting specified standards within 1 year subsequent to the later of either the date on which the owner moves from the acquired dwelling or the date on which he [or she]\* receives from the public entity final payment of all costs of the dwelling acquired.

This bill would delete, as a condition of payment, the alternative requirement that the displaced owner purchase and occupy a replacement dwelling within 1 year subsequent to the date on which he or she moves from the acquired dwelling and, in connection with the deletion of this requirement, would permit the displaced owner and the public entity to agree in writing to permit the displaced owner to remain in occupancy of the acquired dwelling as a tenant of the public [entity]\*, subject to specific conditions.

This bill would also: (a) revise the definition of "displaced persons" to include persons or families of low and moderate income, as defined, who are occupants of housing which was made available to them on a permanent basis by a public agency and who are required to move from the housing; (b) limit the category of displaced dwelling-owner-occupants to whom additional payment is required to be made to enable them to acquire a comparable replacement dwelling, to an owner who occupies that dwelling as a customary and permanent place of abode; and (c) limit the category of displaced dwelling-occupants not within (b) above to whom additional payment is required to be made to aid them to lease or buy a decent, safe, and sanitary dwelling, to an occupant who occupies a dwelling as a customary and permanent place of abode.

Existing law provides that no person shall be required to move from his dwelling because of its acquisition by a public entity unless there is replacement housing, as specified, available to him [or her]\*.

This bill would provide that the immediately foregoing provision shall not apply to a displaced owner who agrees in writing with the public entity to remain in occupancy of the acquired dwelling as indicated above.

#### Ch. 386 (SB 761) O'Keefe. Community care facilities.

There is in existing law the California Community Care Facilities Act which provides for the regulation and licensure of community care facilities, as defined. Existing law does not provide for provisions prohibiting the imposition of rent control ordinances enacted by local governments upon community care facilities.

This bill would exempt community care facilities from controls on rent imposed by any state or local agency or other local government or entity.

**Ch. 387 (SB 647) Ellis. Law enforcement.**

Existing law prohibits designations of nongovernmental organizations which, among other things, imply that the organization is composed of peace officers when, in fact, less than 90% of the voting members are peace officers.

This bill would substitute the term "law enforcement personnel" for "peace officers" for these purposes.

**Ch. 388 (SB 611) Foran. Public retirement systems: generally.**

(1) The Legislators' Retirement System, the Judges' Retirement System, and the Volunteer Firefighters Length of Service Award Act are presently administered by the Board of Administration of the Public Employees' Retirement System.

This bill would authorize the board to adopt appropriate actuarial assumptions which are necessary for those systems.

(2) The Public Employees' Retirement Law presently prescribes a payment of \$50 per day for board or committee meetings to board members.

This bill would increase that payment to \$100 for each day or portion thereof.

(3) The Public Employees' Retirement Law presently requires a report on cost-of-living adjustments for retired members to the Governor and Legislature not later than April 1 of each year.

This bill would require the report to be made by September 1 of each year

**Ch. 389 (SB 1239) Ellis. Counties, and cities and counties property: joint occupancy.**

(1) Existing law authorizes a county or a city and county and a private person, firm, or corporation to enter into a lease or agreement under which the county or city and county property would be leased to such private entity which, in turn, would construct a building or buildings thereon, to be jointly occupied by the county or city and county and the private entity. Existing law provides that title to that portion of the building to be occupied by the private entity would remain the exclusive personal property of the private entity during the term of the lease or agreement

This bill would delete the latter provision

(2) Existing law requires the board of supervisors to adopt a resolution of intention to consider proposals for the above purposes and to conduct a public meeting regarding such proposals not less than 90 days after it adopts such resolution of intention.

This bill would, instead, require the board of supervisors to conduct such public hearings not less than 60 days after adopting such resolution of intention.

(3) The bill would also take effect immediately as an urgency statute.

**Ch. 390 (SB 1204) Doolittle. County recorder: proof of acknowledgment.**

A county recorder is one of several city, county, and court officers who, in addition to public notaries, are empowered to prove or acknowledge an instrument. Existing law specifically requires the county recorder to take and certify the acknowledgment of instruments upon payment or tender of the fee therefor

This bill would delete the statutory authority for the county recorder to acknowledge instruments

**Ch. 391 (SB 1184) Rains. Local agency employees incompatible activities.**

Existing law prohibits local agency officers and employees from engaging in outside activities, for compensation, which are incompatible with their duties to their local agency, as defined, or with the functions of their local agency

This bill would provide that service on an appointed or elected governmental body by an attorney employed by a local agency in a nonelective position shall not, by itself, be deemed to be an incompatible activity and shall not result in the automatic vacation of either of the offices.

**Ch. 392 (SB 1156) Doolittle. Subdividers taxes and assessments**

Under existing law, if, at the time a final subdivision map is filed, there are taxes or special assessments constituting a lien on the property but not yet payable, the final map may not be recorded until the subdivider deposits security for the payment of such taxes and assessments. If the taxes or assessments become delinquent the county is to recover the amount due from the security and apply it to payment of the unpaid taxes and assessments

This bill would authorize, in accordance with a prior agreement with the subdivider

and his or her sureties, payment of the taxes and assessments from the security deposit as such taxes and assessments become due, rather than only after delinquency.

**Ch. 393 (SB 1062) Stiern. California water districts: powers.**

Under existing law, a district organized under the California Water District Law is authorized to acquire, plan, construct, maintain, improve, operate, and keep in repair the necessary works for the production, storage, transmission, and distribution of water for irrigation, domestic, industrial, and municipal purposes, and any related drainage or reclamation works.

This bill would authorize the board of directors of a district to grant to the owner or lessee of a right to the use of any water permission to store the water in any reservoir of the district or to carry it through any conduit of the district.

**Ch. 394 (SB 1023) Robbins. Counties: personal property.**

Existing law authorizes counties to acquire the use of electronic data processing equipment by contracting to sell and lease back the equipment, if the board of supervisors finds that the sale and leaseback is the most economical means of providing electronic data processing equipment to the county.

This bill would expand the existing authorization by allowing counties to utilize a contract of sale and leaseback to acquire any personal property, rather than only electronic data processing equipment.

The bill would take effect immediately as an urgency statute.

**Ch. 395 (SB 962) Speraw. Disabled persons.**

Under existing law, a person who denies or interferes with admittance to or enjoyment of public facilities by, or otherwise interferes with the rights of, a disabled person, as specified, is liable for actual damages and, in addition, punitive damages of a maximum of \$1,000.

This bill would provide for the imposition of punitive damages in an amount up to a maximum of 3 times the amount of actual damages but in no case less than \$250, plus attorney's fees.

**Ch 396 (SB 923) Keene. Perinatal care.**

Under existing law, the State Department of Health Services is required, among other things, to establish 2 infant medical dispatch centers for critically ill newborn infants; to establish 1 or more pilot programs of 4 or less years' duration for high-risk pregnant women, which power expires on January 1, 1982; to conduct a prenatal amniocentesis test program for genetic disorders; to certify tests for pregnancy; to maintain a program of maternal and child health; to coordinate and promote genetic disease testing programs and provide laboratory support for that purpose for specified disorders; to establish a project to deliver supplemental food to certain women during pregnancy and to infants up to 5 years of age, to maintain a child health and disability prevention program; and to designate tests for detection of sickle cell anemia.

Existing law also requires the department to support, until January 1, 1985, the development of perinatal access systems, as defined, designate approved centers as operators of such systems, and provide specified administration, regulations, and reports relating to such systems.

Existing law also requires the department to maintain a program which addresses the special needs of high-risk pregnant women and infants, including assistance in the development and implementing of regionalized perinatal health systems.

This bill would, in the program addressing the needs of high-risk pregnant women and infants, require the department to assist in implementing and maintaining a high-risk infant follow-up program

**Ch. 397 (SB 912) Craven. Cemeteries.**

Existing law requires each cemetery authority operating a cemetery to pay an annual regulatory charge plus an additional charge of not more than 50 cents per interment.

This bill would require the cemetery authority to pay an additional charge of not more than 50 cents for each burial, entombment, inurnment, or cremation.

Existing law provides that all money collected pursuant to the Cemetery Act is to be deposited in the Cemetery Fund and is continuously appropriated to the Cemetery

Board to carry out such provisions.

The fees provided by this act would result in an increase in such fund.

**Ch 398 (SB 162) Stiern. Agricultural marketing trust accounts: audit requirements.**

(1) Existing law requires that the marketing trust accounts maintained by the Director of Food and Agriculture under the California Marketing Act of 1937, the Agricultural Producers Marketing Law, the Dairy Council of California Law, and the California Beef Council Law be audited at least every 2 years by the Department of Finance.

This bill would provide that, in addition to the Department of Finance, the audit may be performed by any of the following:

(a) A certified public accountant.

(b) A public accountant holding a valid permit issued by the State Board of Accountancy.

(c) A public accounting firm.

(2) Existing law does not provide that the periodic audits of the marketing trust accounts may be paid for from those accounts.

This bill would provide that expenses generated by the auditing requirements may be paid for from money collected for the trust accounts, thereby making an appropriation.

(3) Existing law requires the Director of Finance to supply to the Controller a certified copy of each periodical audit performed of the accounts of any state agency.

This bill would provide that if the audit includes a review of federal funds, the director shall also report the audit results simultaneously to the Legislature and the affected state agency.

**Ch. 399 (AB 1469) Hughes. Reorganization: state agencies.**

Existing law authorizes the Governor to examine the organization of all agencies and reorganize those agencies when the public interest so requires.

This bill would include the California Museum of Science and Industry, the Department of Fair Employment and Housing, and the State Building and Standards Commission in the State and Consumer Services Agency

This bill would also transfer to the State and Consumer Services Agency, the powers and responsibilities that the Department of Food and Agriculture had with respect to the California Museum of Science and Industry.

**Ch 400 (AB 2015) Bergeson. County waterworks districts: city.**

Under existing law, where a county waterworks district is a subsidiary district of a city and the city council is the board of directors of the district, no member of the city council receiving compensation as a member of the city council may receive any compensation as a director of the district pursuant to provisions authorizing compensation for directors of the district.

This bill would delete this restriction.

**Ch. 401 (AB 1198) Floyd. Tax-deed property.**

Existing law provides for the establishment of a 9-member advisory committee to meet and serve on the call of the Controller and make recommendations for the classification and disposition of tax-deeded property to facilitate its return to the tax rolls.

This bill would repeal these provisions.

**Ch 402 (AB 1076) Floyd. Environmental quality: exemptions.**

The California Environmental Quality Act generally requires the preparation of an environmental impact report for a project which may have a significant effect on the environment

Described regulatory programs of state agencies, boards, and commissions which have protection of the environment among their principal purposes and which require a plan or other written documentation, as specified, to be submitted in support of certain activities are exempt from the act upon certification by the Secretary of the Resources Agency that the programs meet specified criteria

This bill would exempt projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board, or commission under the certified regula-

tory program; provided, that any site-specific effect of the project which was not analyzed as a significant effect in the plan or other written documentation would be subject to the act.

Ch. 403 (AB 913) Cortese. Fire safety: notification of emergency procedures.

(1) Existing law requires high rise structures to comply with regulations of the State Fire Marshal relating to prevention of fire and protection against fire and panic. Existing law also provides for regulations and standards of the State Fire Marshal relating to fire equipment, and fire safety standards for buildings occupied or owned by the state, used for specified institutions for children, aged, and incompetents and as detention facilities, or used for assemblage of persons

After a date 4 months after certain regulations of the State Fire Marshal become effective, this bill would require owners and operators of privately owned hotels and motels and high rise structures to provide to persons entering those buildings specific emergency procedures to be followed in the event of fire, and to provide the emergency procedure information in a prescribed manner in a hotel or motel and in a specified area in other high rise structures, designated pursuant to the regulations of the State Fire Marshal.

The bill would require the State Fire Marshal to establish regulations for furnishing the information required by the bill, as specified.

The bill would make violations of its provisions a misdemeanor with specified punishment

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 404 (SB 54) Roberti. Criminal law

Existing law authorizes a jury to consider intoxication in determining the existence of a purpose, motive or intent.

This bill would delete such provision and prohibit or allow use of evidence of voluntary intoxication for specified purposes.

Existing law relating to crimes provides that intent or intention is manifested by the circumstances connected with the offense, and the sound mind and discretion of the accused. It also provides that all persons are of sound mind who are neither idiots or lunatics, nor affected with insanity.

This bill would delete such provisions and provide instead that intent or intention is manifested by the circumstances connected with the offense.

Under existing decisional law it may be shown that a defendant was suffering from an abnormal mental condition (diminished capacity) which prevented the defendant from forming a specific intent or other mental element of a crime

This bill would abolish the defense of diminished capacity and related defenses and would authorize evidence of mental disease, defect, or disorder to show whether the defendant actually formed a mental state.

Under existing law lunatics and insane persons are incapable of committing crimes or manifesting sound minds.

This bill would delete such reference to lunatics, and insane persons

Existing law defines the terms malice, and deliberate and premeditated, for purposes of murder

This bill would redefine these terms.

Ch 405 (SB 473) Mello. Volunteers

Under existing law, the provisions of the California State Government Volunteers Act are to be repealed on December 31, 1981

This bill would extend the provisions of that act permanently



**Ch. 406 (SB 346) Nielsen. City council vacancies.**

Existing law generally requires that vacancies on a city council be filled by appointment by the remaining council members, but permits the enactment of a city ordinance requiring vacancies on the council to be filled at a special election.

This bill would extend the application of such an ordinance to vacancies in a city council office designated as the office of an elective mayor.

The bill would take effect immediately, as an urgency statute.

**Ch. 407 (SB 502) Nielsen. Pest control: maintenance gardener category.**

(1) Under existing law, a person may be licensed as a maintenance gardener pest control operator, as specified, upon passing the Certified Commercial Applicators Examination in both the laws and regulation and the ornamental and turf categories and upon payment of a \$25 annual fee, which along with other applicable fees, is deposited in the Department of Agriculture Fund, a continuously appropriated fund.

This bill would revise the licensing procedure to provide that a person who passes the Certified Commercial Applicators Examination in both the laws and regulation and the ornamental and turf categories qualifies for an agricultural pest control license in the maintenance gardener category.

(2) Existing law requires certain manufacturers, importers, and dealers in economic poisons to pay to the Director of Food and Agriculture an assessment fee for use in the regulation of agricultural pest control and economic poisons. Existing law also requires that  $\frac{1}{2}$  of the funds collected from the assessment fees be paid to counties according to specified criteria until January 1, 1982. After that date these funds will be paid to counties on a proportional basis relating to each county's expenditures for pesticide and economic poison regulation.

This bill would extend the date of the change in the method of allocating assessment fee funds to counties to January 1, 1985.

**Ch. 408 (SB 1045) Vuich. Tulare County flood control**

Under existing law, the inclusion within any proposed zone of the Tulare County Flood Control District of any territory within a city is subject to the approval of the city council of such city.

This bill would require only that any such inclusion be submitted to the city council for its consideration, and would permit the board of supervisors of the district to approve the boundaries of the zone notwithstanding the failure of the city council to approve the boundaries.

The bill would also permit the Tulare County Flood Control District to perform acts of water conservation, including the power to spread, store, distribute, buy, and sell water, and to cause water to be percolated into the soil, in connection with the exercise of its flood control powers. The bill would also permit the district to use any excess tax revenues received in lieu of property tax revenues for any flood control or water conservation projects within the district.

**Ch. 409 (SB 1221) Watson. State hospitals.**

Under existing law Patton State Hospital is a state hospital for the care and treatment of the developmentally disabled and is under the jurisdiction of the State Department of Developmental Services.

This bill would, as of July 1, 1982, change its classification to an institution for the mentally disordered under the jurisdiction of the State Department of Mental Health and grant the department, on and after the effective date of this bill, such administrative powers as are necessary for the orderly transfer of funds, patients, and functions by July 1, 1982.

This bill would take effect immediately as an urgency statute.

**Ch. 410 (SB 1011) Marks. Medical assistance.**

Existing law provides that only those drugs appearing in the Medi-Cal drug formulary shall be paid for under the Medi-Cal program.

This bill would require the Director of Health Services to include in the Medi-Cal drug formulary any drug approved for the treatment of cancer by the Federal Food and Drug Administration.

**Ch. 411 (SB 990) Marks. Rehabilitation Appeals Board.**

Existing law establishes a 5-member Vocational Rehabilitation Appeals Board

This bill would rename the board the Rehabilitation Appeals Board and would increase the membership to 7.

Existing law provides that a person receiving a hearing before the Vocational Rehabilitation Appeals Board may appear in person or with a representative.

This bill would provide that a person receiving a hearing may appear in person with or without a representative, may designate a representative to appear for him, or may submit the matter being appealed upon the written record only.

Existing law empowers the board or a designated referee to hear cases which come before the board.

This bill would provide that although a majority of the board, or a member designated by it, could hear any case coming before the board, only a majority of the board would have power to make a proposed decision.

The bill would further provide for technical changes in order to more closely conform state statutes to controlling federal law.

Existing law provides that a decision may be judicially appealed within 1 year.

This bill would provide that a final decision by the director could only be appealed within 6 months of the decision.

**Ch. 412 (SB 950) Mello. Health.**

Present law specifically requires governmental health facilities to provide professional personnel in accordance with professional licensure standards applicable to private health facilities. Present law exempts from such requirements, among other persons, psychologists and clinical social workers while continuing their employment in the same class as of January 1, 1979, in the same licensed governmental facility

This bill would authorize the exemption to continue for such psychologists and clinical social workers until January 1, 1984, if required to relocate or change classifications in order to continue their governmental employment

This bill would take effect immediately as an urgency statute

**Ch 413 (SB 560) Davis Traffic control signals.**

(1) Existing law provides for traffic control signals, including semaphore signals and traffic control signals exhibiting the words "go," "caution," or "stop," and pedestrian control signals exhibiting the words "walk," "wait," and "don't walk."

This bill would delete reference to semaphore signals and traffic control signals exhibiting the words "go," "caution," or "stop" and would add reference to pedestrian signals and to approved "walking person" and "upraised hand" symbols. The bill would revise and recast the provisions of law relating to observation of those symbols, and add provisions relating to signal controlled lane use on a highway.

(2) Existing law prohibits a streetcar motorman from turning right or left on a red light

This bill would delete that provision.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

**Ch 414 (SB 574) Mills Property taxes exemption transit development board.**

(1) Under the California Constitution, real property owned by a local government that is within its area of jurisdiction is exempted from property taxation

For purposes of that property tax exemption, existing law deems, until January 1, 1982, property owned by a nonprofit entity that is solely owned by a transit development board to be property owned by the transit development board

This bill would delete the January 1, 1982, date so as to make the property tax exemption permanent for property owned by a nonprofit entity that is solely owned by a transit development board

(2) Under existing law, state reimbursement for property tax revenues lost is required as the result of any act enacted by the Legislature exempting property from ad

valorem property taxation.

The bill would prohibit any claim from being filed and prohibit any state reimbursement from being made for the tax exemption under Section 201.1 of the Revenue and Taxation Code.

**Ch. 415 (SB 724) Marks. California Environmental License Plate Fund.**

Under existing law, certain fees collected from the sale of environmental license plates and special plates for certain historical vehicles are deposited in the California Environmental License Plate Fund, and are available for expenditure for specified projects and programs. An amount equal to the costs incurred by the Department of Motor Vehicles in administering the program is available to the department when appropriated by the Legislature from moneys deposited in the fund. Under existing law, moneys in the Motor Vehicle Account in the State Transportation Fund are available for the support of the department when appropriated by the Legislature.

This bill would require the Controller to transfer from the fund to the Motor Vehicle Account in the State Transportation Fund an amount, as certified by the Director of Motor Vehicles, equal to the costs incurred by the department in administering the program and in issuing the special plates for the historical vehicles. The bill would also make technical, nonsubstantive changes.

**Ch 416 (SB 883) Maddy Horseracing: stewards**

Existing Horse Racing Law requires the California Horse Racing Board to license stewards meeting written and oral examination requirements and to select the best qualified stewards for employment. Oral examinations are required to be conducted by a panel which includes at least 2 board members.

This bill would instead require the board to select the best qualified licensed stewards to contract with to perform the duties of stewards at horseracing meetings. The bill would require that the oral examination panel include at least one steward in addition to the board members. The bill would require persons licensed as stewards to meet experience requirements. Any person licensed as a steward in California prior to January 1, 1981, would be exempt from the written examination requirements.

**Ch. 417 (SB 790) Dills Retired judges: assignment.**

Existing law defines "retired judge" for purposes of assignment by the Chief Justice, to include a judge who retires at the end of his or her elected term and who receives benefits under a public employees' retirement system, but not a judge who is defeated for reelection and makes specified elections with respect to retirement benefits.

This bill would expand that definition, subject to the above exclusion for judges defeated for reelection, to also include a judge whose position is terminated as specified or who elects to retire or resign from office, who has been a member of the State Bar for at least 5 years or who has served as a judge of a court of record, and who has a vested interest in a public employees' retirement system.

**Ch 418 (AB 1521) Floyd. Property tax: escape assessments.**

Existing law authorizes a board of supervisors to establish a procedure for the spreading of payments due for taxes on escaped assessments, due to an error which is not that of the assessee, over a 3-year period when immediate payment would constitute a hardship on the assessee.

This bill would authorize the assessee to pay the taxes on escaped assessments, due to an error which is not that of the assessee, over an 8-year period, and would further provide that no interest or penalties shall be collected as a result of those escaped assessments.

**Ch 419 (SB 371) Robbins. Mortgage guaranty insurance. rebates and commissions.**

Existing law prohibits a mortgage guaranty insurer from paying any commission or any part of its premium charges or any other consideration as an inducement for or as compensation on any mortgage guaranty insurance business. It also prohibits an insurer from offering or paying as an inducement to enter into an insurance contract any valuable consideration which is not clearly specified, promised, or provided for in the policy, or application, and any such consideration not appearing in the policy is an

unlawful rebate. Any insurer making or receiving an unlawful rebate is guilty of a misdemeanor.

This bill would, as an exception to the above prohibitions, provide that activities of mortgage guaranty insurers in dealing with the secondary mortgage market which are made available to the mortgage lending industry, whether insureds or not, shall not be deemed to be unlawful rebates or commissions. The bill would specifically include within the exception: (1) services provided for the purpose of assisting in the purchase or sale of mortgage loans in the secondary market, (2) preparation of forms necessary for the sale of mortgage loans in the secondary mortgage market, and (3) educational seminars dealing with issues affecting the mortgage lending industry.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 420 (SB 454) Mello. Milk fat: milk solids not fat: bacteriological testing.

Under existing law, the Director of Food and Agriculture may allocate, from funds generated from specified assessments on handlers of market milk, a sum for any fiscal year, not exceeding \$95,000, to be used exclusively for supervising and checking the correctness of the milk fat, milk solids not fat, and bacteriological tests and the weighing and sampling of all market milk delivered to milk handlers in accordance with milk stabilization and marketing plans.

This bill would increase the allocation that may be provided for the above-stated purposes to \$120,000.

The bill would also authorize the director to allocate \$30,000 in fiscal year 1981-82 from these funds for the purchase and installation of an infrared milk analyzer to assist in complying with the above-stated requirements.

Ch. 421 (SB 495) Maddy. Flood control. Stanislaus County

(1) Under existing law, there is no special flood control act for Stanislaus County.

This bill would enact the Stanislaus County Flood Control Enabling Act which would authorize the formation, in accordance with prescribed procedures, of local districts to provide for the management and control of flood, storm, and drainage waters in the local areas of Stanislaus County. The bill would specify the powers and duties of the local districts and provide for the management and financing of the districts.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 422 (SB 532) A. Garcia. Vocational nursing. interim permits.

Under existing law, an individual who has taken the first examination for licensure as a vocational nurse but has not yet received the results of the examination is not permitted to engage in the practice of vocational nursing.

This bill would require the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, upon receipt of the required application fee, and receipt of proof that the applicant has passed his or her examination for licensure, to issue to the applicant an interim permit authorizing the applicant to practice vocational nursing.

Ch. 423 (SB 547) Dills. Personal property brokers.

Existing law requires that certain information pertaining to loans of personal property brokers be stated separately in the annual report required to be filed with the Commissioner of Corporations.

This bill would revise and delete specified requirements with respect to the information required to be stated separately. It would also make technical changes.

The bill would also prohibit a personal property broker from charging, contracting for, or receiving any interest or charge with respect to a noncommercial loan of \$10,000 or more unless the loan is made, as specified

Existing law prohibits any personal property broker from taking any confession of judgment or any power of attorney, except a power of attorney taken to effectuate the transfer of the ownership of any motor vehicle at the time of making the loan.

This bill would extend such exception to a power of attorney taken to effectuate the transfer of the ownership of any mobilehome.

Existing law prohibits a personal property broker from taking any note, promise to pay, or security that does not accurately disclose the actual amount of the loan, the time for which it is made, and the agreed rate of charge.

This bill would additionally require disclosure of the annual percentage rate pursuant to Regulation Z promulgated by the Board of Governors of the Federal Reserve System, if applicable. It would also make such requirements applicable to the statement required to be delivered to a borrower by a personal property broker.

Existing law requires that upon repayment of any loan in full when a trust deed on real property has been taken, as a security for a loan that has been subsequently paid in full, a duly executed request for reconveyance shall be delivered to the trustor.

This bill would additionally provide that the duly executed request for conveyance may be delivered to the trustee for the purpose of recording a reconveyance.

The bill would incorporate additional changes in Section 22050 of the Financial Code, proposed by Senate Bill 140, to be effective only if Senate Bill 140 and this bill are both chaptered and become effective on or after January 1, 1982, and this bill is chaptered last.

The bill would further amend Section 24409 as added by Senate Bill 140 of the 1981-82 Regular Session which prescribes the manner in which a consumer finance lender is to state certain loan information in an annual report to the Commissioner of Corporations. This provision would be contingent upon the enactment of Senate Bill 140

#### Ch 424 (SB 801) Dills Outdoor advertising.

(1) Existing law prohibits local governmental entities from compelling the removal of any advertising display which was lawfully erected and still in existence on November 6, 1978, pursuant to the Outdoor Advertising Act or any statute, ordinance, or regulation. The provision does not apply to displays which were erected pursuant to a written agreement with a governmental entity providing for the removal of the displays after a fixed period of time. The provision remains in effect until January 1, 1982, when it is repealed.

This bill would extend the repeal date of the provision to January 1, 1983.

(2) Existing law requires the Governor's Outdoor Advertising Advisory Committee to study and report to the Governor and the Legislature on or before March 31, 1981, on specified topics relating to outdoor advertising. The committee is in existence until January 1, 1982.

This bill would extend the committee's existence to October 1, 1982, and the required date for submission of the report to February 1, 1982.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

#### Ch. 425 (AB 175) Hannigan Employment: vocational education and job training programs.

Under the California Work-Site Education and Training Act of 1979, the Employment Development Department disburses financial assistance to eligible employers to pro-

vide integrated classroom and career worksite training programs for the economically disadvantaged, youths, displaced workers, and other persons with obsolete or inadequate job skills.

This bill would expressly require the programs to include Vietnam era veterans, as defined.

**Ch. 426 (AB 186) Bosco. Superior courts.**

Existing law provides for 6 judges of the Superior Court in Sonoma County.

This bill would increase the number of judges of the Superior Court in Sonoma County from 6 to 7, operative July 1, 1982.

The bill would provide that no appropriation is made by the act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act, and that the act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of the act.

**Ch. 427 (AB 191) Frazee. Real property.**

Existing law provides that where a deed executed pursuant to a power of sale for real property which was mortgaged or transferred in trust contains a recital of compliance with all requirements of law regarding mailing copies of notices of default and related notices for which requests have been recorded, or certain other matters, that recital shall be prima facie evidence of compliance and conclusive evidence in favor of bona fide purchasers and encumbrancers, as specified.

This bill would require that deed to contain a recital of compliance with all requirements of law regarding mailing copies of notices of default and related notices, without regard to whether a request has been recorded.

Under existing law, where the principal sum of an obligation secured by a deed of trust or mortgage on real property has become due or declared due by reason of default in payments or for certain other reasons, the default may be cured by the payment within certain time limits of the amounts due, other than such portion of the principal as would not be due had no default occurred, plus costs and expenses actually incurred in enforcing the obligation, and trustee's or attorney's fees actually incurred not exceeding \$100 in the case of a mortgage or \$50 in the case of a deed of trust or  $\frac{1}{2}$  of 1% of the unpaid principal sum, whichever is greater.

This bill would instead require payment of costs and expenses actually incurred, and trustee's or attorney's fees not exceeding \$150 or  $\frac{1}{2}$  of 1% of the unpaid principal sum, whichever is greater.

Existing law provides that at a trustee's sale under a power of sale contained in a deed of trust or a mortgage, bidders may be required to show ability to pay, and the last and highest bidder to deposit or deliver, cash or the equivalent of cash in a form satisfactory to the trustee.

This bill would provide that bidders may be required to show ability to pay, and the last and highest bidder to deposit or deliver, cash, a cashier's check, or a cash equivalent which has been designated in the notice of sale, as specified.

**Ch. 428 (AB 227) Farr. Courts.**

Existing law provides for 7 judges of the Superior Court in Monterey County.

This bill would increase the number of judges of the superior court in Monterey County from 7 to 8.

The bill would provide that no appropriation is made by the act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act, and that the act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of the act.

The bill would become operative on July 1, 1982.

**Ch. 429 (AB 239) Mountjoy Schools: finance. transfer of territory**

Under current law, the revenue limit of a school district may be increased as specified

for loss in average daily attendance, but loss of average daily attendance due to district reorganization is not considered in computing that increase.

This bill would permit an elementary school district which had a total annual average daily attendance in the 1979-80 fiscal year of between 3,200 and 3,250 to add in the computation of revenue limits, less \$100,000, for the 1980-81 and 1981-82 fiscal years any loss of average daily attendance due to a transfer of a portion of the territory of the district if the transfer was approved in the 1979-80 fiscal year and became effective on July 1, 1980.

This bill would be deemed operative for the entire 1980-81 and 1981-82 fiscal years. This bill would take effect immediately as an urgency statute.

Ch. 430 (AB 260) Greene. Cities of Sacramento and Los Angeles: local assistance resources grants: relief

(1) Under the Z'berg-Collier Park Bond Act, a local assistance grant was made to the City of Sacramento pursuant to an appropriation for the acquisition or development, or both, of East Broadway Neighborhood Park.

Under the provisions of that grant, the city is required to raze the school buildings on the site.

This bill would authorize the city to, instead, retain and convert those buildings to a recreation center, conditioned upon the city applying an amount equal to the purchase price of the land occupied by the buildings for outdoor recreation improvements on the site.

(2) Under the bond act, a local assistance grant was made to the City of Los Angeles for the development of an outdoor swimming pool in the Echo Park area.

This bill would authorize the city to convert the pool to an enclosed swimming pool.

Ch. 431 (AB 345) Thurman. Peace officers: California State Police.

Existing law prescribes the categories of persons considered to be employees of the California State Police Division.

This bill would provide that all persons in the California State Police Division who are not members of the division are to be considered employees

Existing law prohibits any insurer, in issuing or renewing a private automobile insurance policy, as defined, to a peace officer, member of the California Highway Patrol, or fireman, with respect to his operation of a private motor vehicle, from increasing the premium on such policy for the reason that the insured or applicant for insurance has been involved in an accident while operating an authorized emergency vehicle, as defined, in response to his or her duties during the hours of employment, and prohibits any insurer from failing to renew any such policy of such a peace officer, member of the California Highway Patrol, or fireman for the reason that the insured has been involved in such an accident. It also provides that no such peace officer, member of the California Highway Patrol, or fireman shall be required to report any accident, as specified above, to any person who has issued the peace officer, member of the California Highway Patrol, or fireman a private automobile insurance policy.

This bill would make the above provisions applicable to members of the California State Police Division.

Ch. 432 (AB 336) Konnyu. Jury trials.

Existing law contains special provisions applicable only to courts in Santa Clara County regarding the waiver of a trial by jury and for the reimbursement to the county by the party who demands a trial by jury for the fees and mileage of all jurors appearing for voir dire examination, except for certain jurors. These provisions presently will remain in effect only until January 1, 1982, and will be repealed on that date

This bill would extend the above provisions until January 1, 1983.

This bill would require the Judicial Council to make a recommendation to the Legislature on or before June 30, 1982, as to whether the above-referenced provisions should be repealed or extended and would require Santa Clara County to provide information as needed and requested by the Judicial Council.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Fi-

nance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 433 (AB 414) Lehman. Acala cotton: one-variety district.**

(1) Under existing law, a one-variety cotton district governed by an Acala Cotton Board to promote, encourage, aid, and protect the planting and growing of Acala cotton may be established by referendum of all cotton growers in the San Joaquin Valley.

This bill would make the following changes to the one-variety cotton district law:

(a) Alternate positions on the board would be filled by those persons receiving the next highest number of votes for the vacant position contested rather than running for the office of alternate.

(b) Conflict of interest provisions for the public member on the board would be modified.

(c) The term of office for board members would be set at 4 years.

(d) Research on nonapproved varieties of cotton which must be conducted pursuant to Department of Food and Agriculture regulations would be expanded to include delinting of cottonseed and the sale of lint

(e) The ginning of cotton within the district that was produced outside the district would be permitted.

(f) The maximum assessment on cottonseed distributors for support of the district would be increased from \$0.75 per hundredweight of undelinted seed sold in the district to \$2 per hundredweight.

(2) Under existing law, all moneys received by the Director of Food and Agriculture under the provisions of the one-variety cotton district act are deposited in the Department of Food and Agriculture Fund which is continuously appropriated to the department without regard to fiscal years. On and after July 1, 1983, no moneys in a continuously appropriated fund may be encumbered unless the Legislature, by statute, specifies that the moneys in the fund are appropriated for encumbrance. Also, the Department of Finance is required to implement a revised budgeting and accounting system for the fiscal affairs of state government.

This bill would provide for an Acala Cotton Fund for the receipt and deposit of district funds which would be continuously appropriated to the department. The fund would be exempt from the restrictions on continuously appropriated funds due to take effect on July 1, 1983, and the revised budgeting and accounting system

**Ch. 434 (AB 486) Torres. Health: minority health professions.**

Existing law contains no specific provision authorizing the Office of Statewide Health Planning and Development to conduct the Health Professions Careers Opportunity program and does not provide legislative authority for the program.

This bill would create specific legislative authority for the program in order to continue funding for the program.

**Ch. 435 (AB 518) Kapiloff. Child abuse.**

Under existing law, child care custodians, medical practitioners, nonmedical practitioners, and employees of a child protective agency are required to report instances of suspected child abuse, as specified. All of the foregoing persons, are exempted from all civil and criminal liability in connection with the reports. However, any other person reporting an instance of child abuse is immune from such liability only insofar as it cannot be proven that a false report was made and he or she knew or should have known that the report was false.

This bill would specify that the reporting requirements and immunity from civil and criminal liability with regard to such reports, are applicable to known as well as suspected instances of child abuse. It also would provide for liability in the case of a false report by a person not required to make a report only if the person knew that the report was false. In addition, the bill would expand the definition of child abuse, as specified.

It also would make a related change with regard to the regulations concerning investigation of child abuse in group homes or institutions required by existing law to be adopted by the Department of Justice, in cooperation with the State Department of



### Social Services

Under existing law, the identity of all persons reporting instances of child abuse is confidential and may be disclosed only by court order or between child protective agencies or the probation department.

This bill would also authorize disclosure when specified civil and criminal proceedings are initiated.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute.

### Ch. 436 (AB 533) Moore. Tear gas weapons: peace officers.

Existing law authorizes peace officers to purchase, possess, or transport tear gas weapons for official use in the discharge of their duties, if the weapon has received a designated certification and if the peace officer has completed a designated course of instruction.

This bill would delete the requirement that the purchase, possession, or transportation of the weapon by a peace officer must be for official use in the discharge of the peace officer's duties.

This bill would take effect immediately as an urgency statute.

### Ch. 437 (AB 534) Rosenthal Registered nursing.

Existing law specifies the fees and maximum fees which may be charged pursuant to the Nursing Practice Act.

This bill would revise such fees by providing for a separate examination fee and a duplicate license fee and would increase the fees for an application for a license, the approval of a continuing education provider, the renewal of a provider appraisal, the renewal of a license, the penalty fee for submitting a bad check, an interim permit, a temporary license, the rescoring of an examination, the processing of endorsement papers, a certified copy of a school transcript, an application for and the renewal of a nurse-midwife certificate and would provide a fee for the nurse-midwife equivalency examination.

The bill would require the Board of Registered Nursing to report to the Legislature on or before July 1, 1982, on the condition of the Board of Registered Nursing Fund including the effect of the fee increases provided by this act and when fees will be required to be increased again.

Existing law provides that all money in the Board of Registered Nursing Fund is appropriated to carry out provisions of the Nursing Practice Act.

The fees provided in this bill would result in an increase in such fund which would be available for expenditure.

### Ch. 438 (AB 645) Hughes. State boards and commissions: vacancies.

Existing law provides that an office becomes vacant upon the happening of specified events.

This bill would provide that notwithstanding these provisions, whenever a vacancy occurs on a state board or commission or whenever a seat on a board or commission is abolished by statute, the board or commission would be required to notify the appropriate appointing authority, who, in turn would be required to notify the person occupying the vacated or abolished seat, that the person is no longer eligible to serve, in order to terminate that person's membership on the board or commission.

### Ch. 439 (AB 750) Lockyer. Self-service storage facilities.

Under existing law, one who is engaged in the business of storing goods for hire as a warehouseman, and who, by a warehouse receipt, bill of lading, or other document of title, acknowledges possession of goods and contracts to deliver them, has a lien, as specified, against the bailor on the goods deposited or on the proceeds thereof for various specified charges and expenses.

This bill would provide, in addition, that an individual who is an owner of a self-service storage facility, as defined, and who does not issue a warehouse receipt, bill of lading, or other document of title for the personal property, has a lien, as specified, upon all property located at the facility for specified charges and expenses. This bill would establish procedures for enforcing the lien, including giving preliminary lien notice, affording an opportunity for a court hearing on the claim of lien, and giving notice of a lien sale, as specified. This bill would also provide that any lien on a motor vehicle or boat which has attached and is set forth in the documents of title to the motor vehicle or boat shall have priority over any lien created pursuant to the provisions of this act.

**Ch. 440 (AB 822) Nolan. Corporations.**

Existing law requires that every corporation file a prescribed statement of general information with the Secretary of State within 90 days after the filing of the corporation's original articles, and annually thereafter during the applicable filing period in each year.

This bill would provide that if there has been no change in the information in the last statement of the corporation filed with the Secretary of State, the corporation may, in lieu of filing the required annual statement, advise the Secretary of State on a form prescribed by the Secretary of State, that no changes in the required information have occurred during the applicable filing period. The bill would further provide that it would become operative on July 1, 1983.

**Ch. 441 (AB 830) Sher. Public utilities: residential services.**

Existing law requires that, where public utility service is furnished to residential users through a master meter, the public utility is required to make every good faith effort to inform the actual users when the amount due on the account is in arrears and service will be terminated in 10 days and to inform them that they have the right to become utility customers without being required to pay the amount due on the account.

This bill would revise these provisions to require that, where utility service is provided by an electrical, gas, heat, or water corporation subject to other statutory restrictions regarding termination of service through a master meter or where individually metered residential service is furnished in a multiunit residential structure, mobilehome park, or farm labor camp and the owner, manager, or employer thereof is the subscriber of record, the public utility make every good faith effort to inform the occupants, at least 10 days prior to termination, that service will be terminated and to inform them that they have the right to become utility customers, to whom the service will then be billed, without being required to pay any amount which may be due on the account.

**Ch. 442 (AB 915) Wray. High rise structure: fire safety.**

(1) Existing law requires any high rise structure, as defined, to comply with rules and regulations of the State Fire Marshal, which rules and regulations are applicable to high rise structures built after July 4, 1974, and to existing high rise structures by April 26, 1979, except as provided.

This bill would require any licensed architect who submits final plans for a privately owned high rise structure to acknowledge by letter to the local fire agency that to the best of the architect's information, knowledge, and belief, the plans take into consideration applicable high rise structure fire safety standards.

The bill would also require any general contractor who constructs such a structure to certify that the construction conforms to final plans acknowledged pursuant to the provisions of the bill.

The bill would also require any owner or operator of any privately owned high rise building to annually certify to the State Fire Marshal that he or she has requested the appropriate local fire enforcing agency to conduct an inspection of the building to determine if it conforms to those standards.

The bill would authorize the State Fire Marshal to establish regulations for the certification of a high rise structure by a general contractor or an owner or operator.

**Ch. 443 (AB 919) Tanner. Highrise structures.**

(1) Under existing law it is unlawful for any person to construct or maintain any highrise structure in violation of the statutory provisions governing highrise structures, building standards published in the State Building Standards Code relating to fire or

panic safety, or other regulations adopted pursuant to the above statutory provisions.

This bill would make such unlawful construction or maintenance a misdemeanor, punishable by imprisonment in the county jail not to exceed 6 months, or a fine not to exceed \$10,000 fine, or both. The bill would make each day that a violation exists after notice, as specified, of the violation a separate offense and declare a violation to be a public nuisance which may be summarily abated.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 444 (AB 1059) Bosco. Banks**

Existing law specifies various fees and charges relative to the regulation of banks.

This bill would increase the amounts of such fees and charges, as specified. It would additionally, in certain instances, require a fee for services not previously subject to a fee.

**Ch. 445 (AB 1096) Sher. Real estate.**

Under existing law, any person who obtains a final judgment against a real estate licensee, under grounds of fraud, misrepresentation, deceit, or conversion of trust funds, may file a verified application with the court for an order directing payment out of the separate account in the Real Estate Fund for education, research, and recovery purposes. The Real Estate Commissioner is authorized to defend any action on behalf of the separate account and has recourse to all appropriate means of defense and review, including examination of witnesses. The court, after a hearing, may order payment out of the separate account, but the underlying judgment is only prima facie evidence of the prior cause of action and is not conclusive with respect to an action seeking payment from the separate account.

This bill would authorize the commissioner in defending any action on behalf of the separate account, to relitigate any issues, material and relevant in the proceeding against the separate account, which were determined in the underlying action on which the judgment in favor of the applicant was based. This bill would also provide that all matters, including, but not limited to, the issues of fraud, misrepresentation, deceit, or conversion of trust funds, finally adjudicated in the underlying action are conclusive as to the judgment debtor and the applicant in the proceeding against the separate account.

**Ch. 446 (AB 1127) Bates. Parks and recreation: lease of state lands**

Under existing law, generally, the Department of General Services manages state property which is not under the jurisdiction of another state agency.

This bill would require the department to transfer to the Department of Parks and Recreation approximately 80 acres of state land presently leased to the East Bay Regional Park District. The bill would require the Department of Parks and Recreation to lease the property to the district for not more than 20 years.

**Ch. 447 (AB 1148) McAlister. Juvenile court law.**

An existing provision of the juvenile court law requires the probation officer to inform the victim of a crime of the final disposition of the case, upon request, as defined.

This bill would make a clarifying change in the definition of the term "final disposition" and would specify that details of an order for restitution, as specified, shall be included in the information so provided.

**Ch. 448 (AB 1204) Hart. California halibut: taking**

Under existing law, no California halibut which measures less than 22 inches in total length may be taken, possessed, or sold.

This bill would exclude from that prohibition any California halibut which weighs 4 pounds or more in the round, 3½ pounds or more dressed with the head on, or 3 pounds or more dressed with the head off, and would make a conforming change in existing law.

Ch. 449 (AB 1242) La Follette. Public works projects: wages.

Existing law requires payment of the general prevailing rate of per diem wages to workers employed on public works projects in excess of \$500.

This bill would instead make the law applicable to projects in excess of \$1,000.

Ch. 450 (AB 1266) Cramer. Alcoholic beverages.

Existing law provides for the issuance of duplicate licenses to a licensed winegrower or brandy manufacturer for a location or locations other than his or her wine production or brandy manufacture premises which authorize the exercise of all the privileges of that license at the other locations.

This bill would authorize the Department of Alcoholic Beverage Control to allow any person who held more than 1 original winegrower's license, on or before January 1, 1981, to transfer any duplicate license issued to any of the original licenses, on or before January 1, 1981, to any other original winegrower's license held by that person on or before January 1, 1981 provided the licensee cancels the original winegrower's license from which any duplicate license is transferred.

Ch. 451 (AB 1341) L. Stirling. Schools: administrative employees.

Existing law requires the Superintendent of Public Instruction to determine for each current fiscal year for each school district in the state the total number of administrative employees and teachers for purposes of specified staffing ratios, except those serving in positions completely supported by categorical grants and in programs requiring specific teacher-administrator ratios, or those serving in positions completely supported by federal funds. Existing law exempts from this determination those administrative employees and teachers who serve in positions supported, in part, by specified categorical grants or in positions supported, in part, by federal funds, pursuant to a specified computation. Existing law provides for the reduction of school apportionments if the maximum ratio of administrative employees to each 100 teachers exceeds a specific number.

This bill would specify that the Superintendent of Public Instruction shall exclude from the determination of the allowable ratio of administrative employees to teachers for the San Diego City School District the number of employees and the full-time equivalent of all the fractional time of employees serving in that district in positions mandated as the result of the district's court-ordered integration plan.

Ch. 452 (AB 1348) Tanner. Retail installment accounts monthly statements

Existing law generally provides that the seller of a retail installment account shall mail or deliver to the buyer a monthly statement setting forth various items of information, including the date by which payment must be made to avoid additional finance charges, but does not specify a time or date by which the seller must mail or deliver the statements.

This bill would require the seller to mail or deliver the monthly statements to the buyer at least 14 days prior to the date by which payment must be made to avoid additional finance charges. This bill would also provide that a seller that fails to meet this requirement shall not collect any finance or other charge imposed as a result of such failure.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 453 (AB 1377) Alatorre State civil service employees maximum age limits

Existing law authorizes the State Personnel Board to establish maximum age limits only for civil service examinations for public health or safety positions, peace officers, and trainee positions; and establishes maximum age limitations for fish and game wardens, state policemen, special or narcotic agents, correctional officers, and parole officers

This bill would eliminate such age limitations, would require applicants to demonstrate the physical ability to effectively carry out the duties and responsibilities of the

position in a manner not inordinately endangering the health or safety of specified persons; and would require the State Personnel Board, for public safety and peace officer positions, to adopt maximum age limitations where it is demonstrated that age is a bona fide occupational qualification as provided by or specified by federal law.

The provisions of this act would only be operative after the completion of specified studies, but retention is authorized of any affected maximum age limit would be authorized, if a study substantiates the age limit as a bona fide occupational qualification

**Ch. 454 (AB 1652) Marguth. Schools: pupil discipline.**

Existing law authorizes the State Board of Education to adopt rules and regulations for the government of school districts. Current administrative regulations require every pupil to leave the schoolroom at recess unless it would occasion an exposure of health.

This bill would authorize the governing board of a school district to permit a teacher to restrict for disciplinary purposes the time a pupil under his or her supervision is allowed for recess.

**Ch. 455 (AB 1857) Lancaster. Exemptions: bankruptcy.**

Existing federal bankruptcy law provides that an individual debtor may exempt from property of the estate, for purposes of a bankruptcy proceeding, among other classes of property, certain property designated by federal law, unless state law specifically does not so authorize.

This bill would specifically authorize this property designated by federal law to be claimed as exempt but would not authorize exemptions of both federal law and state law to be claimed, as specified

**Ch. 456 (AB 1885) L. Stirling. County water authorities: water reclamation.**

Under existing law, county water authorities are authorized to acquire, store, treat, reclaim, reuse, distribute, and sell sewage, waste, and sea waters for beneficial uses and purposes to the extent that these functions are assigned to the county water authority by elected officials serving as the areawide planning agency acting under and in accordance with specified provisions of the federal Water Pollution Control Act

This bill would delete the foregoing limitation on the exercise of this authority by a county water authority.

**Ch. 457 (AB 2057) Bosco Dogs: livestock. restitution**

Under existing law, it is an infraction for any person to permit a dog which is owned, harbored, or controlled by that person to run at large on any farm on which livestock or domestic fowls are kept, without the consent of the owner of the farm, with specified exceptions. Existing law also permits the owner of any livestock or poultry which is injured or killed by a dog to recover in a civil action from the owner of the dog twice the actual value of the animals killed or twice the value of the damages sustained by reason of the injuries

This bill would permit a court to stay imposition of a sentence for commission of the above stated infraction and order the defendant to compensate the owner of the farm in an amount equal to the cost of the damage done by the defendant's dog. Acceptance of compensation under this bill would preclude the owner of the farm from bringing a subsequent action for damages caused by the defendant's dog.

**Ch. 458 (AB 2095) Elder. Mobilehome parks.**

Existing law limits the instances in which the management of a mobilehome park may terminate the tenancy of a tenant to the use of a site within the mobilehome park. A change of use of the park, or a portion thereof, is an instance in which a tenancy may be terminated but only if, among other things, the management gives 12 or more months' written notice of the proposed change following the submission of the application for the change of use. After all required permits are obtained, and the 12 or more month period has elapsed, the management is authorized to give written notice to remove the mobilehome within a period of not less than 60 days

This bill, instead, as to termination of a tenancy because of a change of use of the mobilehome park, or a portion thereof, would require the management to give 6 or more months' written notice of termination of the tenancy after all required permits have been approved.

**Ch. 459 (AB 2125) Kelley. Municipal water district charges.**

Under existing law, the maximum permissible annual standby charge in any improvement district within the Eastern Municipal Water District or within the Western Municipal Water District of Riverside County is \$20 per acre or parcel less than an acre, but the proceeds from any such charge in excess of \$10, which is the maximum permissible amount in municipal water districts generally, is required to be used only for the purposes of the improvement district.

This bill would increase the maximum permissible standby charge to \$30 per acre or parcel less than an acre, and would include the Elsinore Valley, Rincon Del Diablo, Ramona, and Rainbow Municipal Water Districts within those provisions.

**Ch. 460 (AB 2142) Torres. County revolving funds.**

Under existing law, the board of supervisors in Los Angeles County is authorized to establish a revolving fund for the purpose of administering payments to meet immediate or emergent needs of persons entitled to publicly funded aid or services in an amount fixed by the board.

This bill would, additionally, authorize the board of supervisors in Orange County to establish such a revolving fund.

**Ch. 461 (AB 2148) Elder. Elections.**

Under existing law, whenever an election is consolidated with the statewide general election, nomination documents must be filed not later than the 88th day prior to the general election in the office of the county clerk.

This bill would provide that the documents shall be filed as above, but with the appropriate officer, rather than with the county clerk.

**Ch. 462 (AB 2178) Konnyu. Property taxation: assessments.**

Under existing law, arbitrary, penal, and escape assessments must be made within prescribed limitation periods.

This bill would provide that for purposes of those limitation periods arbitrary and penal assessments shall be deemed made on the date on which it is entered on the roll, if the assessee is notified of the assessment within 60 days after the statute of limitations or the placing of the escape assessment on the assessment roll, and otherwise, that assessment shall be deemed made only on the date the assessee is so notified.

**Ch. 463 (AB 2124) Kelley. Municipal water district promissory notes.**

Under existing law, a municipal water district has additional authority to issue negotiable promissory notes for the purpose of acquiring funds to finance the construction or acquisition of administrative offices, construction headquarters, commercial offices, or facilities for similar district purposes and for the acquisition of land for district purposes in an amount which may be at least \$50,000, but which may not exceed the lesser of \$1,500,000 or 1% of the assessed valuation of the taxable property in the district, except that in the Otay Municipal Water District the maximum amount is the lesser of \$2,000,000 or 1% of assessed valuation. Existing law also specifies that no more than 50% of the increased borrowing capacity made available pursuant to amendments enacted at the 1975-76 Regular Session of the Legislature may be used for land acquisition purposes.

This bill would increase the maximum amount to the lesser of \$3,000,000 or 1% of the assessed valuation of the taxable property in the district. The bill would also delete the limits on the use of funds made available pursuant to the amendments enacted at the 1975-76 Regular Session, and would delete the special provisions applicable only to the Otay Municipal Water District.

**Ch. 464 (AB 2123) Kelley. Municipal water districts: promissory notes.**

Existing law generally authorizes a municipal water district to issue negotiable promissory notes to acquire funds for any district purpose in an amount which may be at least \$75,000, but which may not exceed the lesser of \$2,500,000 or 3% of the assessed valuation of the taxable property in the district, except that in the Otay Municipal Water District the maximum amount is the lesser of \$3,500,000 or 3% of the assessed valuation.

This bill would increase the maximum amount to the lesser of \$5,000,000 or 3% of the assessed valuation of the taxable property in the district, and would delete the special provisions applicable only to the Otay Municipal Water District.

**Ch. 465 (SB 592) Nielsen. Courts: Napa County.**

Existing law specifies the number, classification, and compensation of municipal court personnel in Napa County.

This bill would revise the number, classification, and compensation of municipal court personnel in Napa County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason:

**Ch. 466 (AB 1614) Kelley. Municipal water districts: promissory notes.**

Under existing law, the maximum interest rate that promissory notes issued by a municipal water district may bear is 10%.

This bill would increase the maximum permissible interest rate for promissory notes issued by a municipal water district to 12%.

**Ch. 467 (AB 2228) Duffy. Vehicles: axle weight limits.**

(1) Existing law establishes certain maximum gross weights of vehicles dependent on the number of axles and the distance between them

This bill would authorize a combination of vehicles consisting of a truck tractor and semitrailer first registered in the state during 1980 to carry on 2 consecutive sets of tandem axles on the combination a gross weight of 64,000 pounds if the overall distance between the axles is not less than 25 feet nor more than 33 feet, and if the gross weight carried by each set of axles does not exceed 32,000 pounds. The provision is in addition to the authority to carry the prescribed weights.

This provision would remain in effect only until December 31, 1984, and as of that date is repealed.

(2) The bill would take effect immediately as an urgency statute.

**Ch. 468 (SB 328) Stiern. Courts: Kern and Fresno Counties.**

Existing law specifies the number, compensation, and classification of municipal court personnel in Kern and Fresno Counties.

This bill would revise the number, compensation, and classification of municipal court personnel in Kern and Fresno Counties. This bill would also revise the compensation of court reporters in Kern and Fresno Counties.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 469 (SB 222) Carpenter. School paperwork.**

(1) Existing state and federal laws require state school districts to collect data or submit reports containing specified data in order to qualify for financial support for educational programs.

This bill would require the State Department of Education to design, and the State Board of Education to approve, standardized forms, incorporating state and federal data collecting and reporting requirements in specified areas, to be used by employees who have a teaching credential or services credential authorizing pupil personnel, health, or librarian services. The costs incurred in developing these forms would be reimbursed from specified federal funds received by the state or from reallocation of other budgeted funds

This bill would require the state department to distribute the standardized forms to local governing boards no later than January 1, 1983, for use in the 1983-84 school year.

In addition, this bill would require a school district with an average daily attendance of 5,000 or more, not utilizing the standardized forms designed by the State Department of Education, to design its own standardized forms for collecting and reporting information on a districtwide basis. These forms would be reviewed and commented upon by

a district teacher paperwork advisory committee by the date or dates specified by the governing board. The bill would specify the composition of this committee and would provide that the activities of the committee shall be at no cost to the district unless the governing board chooses otherwise, and that committee members shall serve without compensation. Any proposed local data collecting or reporting requirements or use of amended state standardized forms would also be required to be reviewed by the paperwork committee.

This bill would require existing standardized forms to be modified, and new standardized forms designed and distributed, in light of new state or federal data collecting or reporting requirements, as specified.

These provisions of the bill would be repealed on June 30, 1985, unless a statute chaptered before June 30, 1985, deletes or extends that date.

(2) Existing law requires school districts to distribute a copy of certain notices that are directed to parents and guardians concerning alternative schools to each teacher in the district, as specified, in addition to posting the notices.

This bill would delete the requirement that each teacher in the district receive a copy of the notice.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 470 (AB 1726) Vasconcellos. Community colleges: administration. permissive Education Code.

Legislation which became operative in 1976 authorized the governing board of any school district or community college district to initiate and carry on any program, activity, or to act otherwise in any manner which is not in conflict with, or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts and community college districts are established.

However, the Education Code presently contains many provisions enacted prior and subsequent to such date that specifically prescribe the authority of any school district or community college district to act in initiating and carrying on programs or activities or taking other actions. Existing law also contains numerous detailed provisions respecting the operations of community college districts.

This bill would make certain declarations of intent respecting the enactment of this bill.

This bill would delete many detailed, prescriptive provisions and thereby permit governing boards to exercise authority with respect to the matters affected.

This bill would make many substantive changes in the law relating to community colleges, and would eliminate certain duties of county superintendents of schools and governing boards of school districts.

This bill would provide that any legislation, except any act relating to the maintenance of the codes, enacted during the 1981 portion of the 1981-82 Regular Session which takes effect on or before January 1, 1982, and affects a section affected by this bill, shall prevail over this bill.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 471 (AB 1730) Vasconcellos. Education community colleges permissive Education Code.

Legislation which became operative in 1976 authorized the governing board of any school district or community college district to initiate and carry on any program,



activity, or to act otherwise in any manner which is not in conflict with, or inconsistent with, or preempted by, any law, and which is not in conflict with the purposes for which school districts and community college districts are established

However, the Education Code presently contains many provisions enacted prior and subsequent to such date that specifically prescribe the authority of any school district or community college district to act in initiating and carrying on programs or activities or taking other actions.

This bill deletes many such prescriptive provisions thereby permitting governing boards to exercise authority with respect to the matters affected.

This bill would also repeal certain provisions relating to both community colleges and school districts regarding roads to schoolhouses, the lease of property to the State Department of Education or public institutions of higher education, and specified powers to contract with other agencies.

This bill would provide that any legislation, except any act relating to the maintenance of the codes, enacted during the 1981 portion of the 1981-82 Regular Session which takes effect on or before January 1, 1982, and affects a section affected by this bill, shall prevail over this bill

This bill would also make certain declarations of intent respecting the enactment of this bill.

**Ch. 472 (AB 792) Papan. Municipal courts: San Mateo County.**

Existing law provides for the number, qualifications, and compensation of municipal court personnel in San Mateo County.

This bill would revise the number, qualifications, and compensation of municipal court personnel in San Mateo County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 473 (AB 882) Filante. Courts: Marin County.**

Existing law specifies the number, compensation, and classification of municipal court personnel in Marin County.

This bill would revise the number, compensation, and classification of municipal court personnel in Marin County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 474 (AB 1170) Tucker. Optometry.**

Existing law generally makes it unlawful to practice optometry under a false or assumed name, but permits the State Board of Optometry to issue a permit authorizing the practice of optometry under an assumed name if specified conditions are met.

This bill would also make it unlawful to use a false or assumed name in connection with the practice of optometry, or to make use of any false or assumed name in connection with the name of a licensed optometrist.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 475 (AB 517) Kapiloff Taxation.**

Under existing law in effect until January 1, 1983, a documented vessel is assessed at 4% of its full cash value if the vessel is engaged or employed exclusively in carrying or transporting 7 or more people for hire for commercial passenger fishing purposes.

This bill would delete the termination date and would require, to qualify for that assessment, that the vessel hold a current certificate of inspection issued by the United States Coast Guard.

Existing law provides for a continuous appropriation from the State General Fund to the Controller to reimburse local agencies for the reduced assessment ratio of commercial passenger fishing vessels

This bill, in deleting the termination date for the reduced assessment ratio for commercial fishing vessels, would affect the continuous appropriation. It would also require the State Controller to audit all claims for reimbursement to determine the validity thereof.

The bill would take effect immediately as an urgency statute.

**Ch. 476 (AB 66) Lockyer. Crimes.**

Under existing law a person under 21 years of age at the time of apprehension for an offense which results in a conviction of first-degree murder is eligible for commitment to the Youth Authority

This bill would provide that any person 18 years or older when the murder was committed who is convicted of first-degree murder would not be eligible for commitment to the Youth Authority.

The bill would authorize persons not committed to the Youth Authority to be housed by, and to participate in the programs of, the authority as specified.

The bill would take effect immediately as an urgency statute.

**Ch. 477 (AB 367) Bergeson Water district powers**

(1) Under existing law, districts organized pursuant to the California Water District Law are not generally authorized to provide for the generation of hydroelectric power, but the Berrenda Mesa, Cawelo, Lost Hills, Olcese, and South Sutter Water Districts are authorized by special provisions to construct, maintain, and operate plants for the generation of hydroelectric power in a manner consistent with the district's storage, transmission, and distribution of irrigation water, to issue revenue bonds to finance construction of those plants, and to lease or sell the power to a public utility or a public agency engaged in the distribution, use, or sale of electricity.

This bill would include the El Toro, Irvine Ranch, Moulton-Niguel, Rancho California, Santa Margarita, and Walnut Valley Water Districts within those provisions. The bill would also require these districts to operate the plants in a manner consistent with the district's storage, transmission, and distribution of water, rather than irrigation water, and would permit the plants to be financed by the issuance of revenue bonds or any other method of financing district works. The bill would make legislative findings and declarations in such connection.

(2) Under existing law, an irrigation district may provide for the generation, transmission, distribution, sale, and lease of electric power and may issue revenue bonds pursuant to the Revenue Bond Law of 1941, but may not issue revenue bonds for works or property for the generation, production, transmission, distribution, sale, and lease of electric energy for lighting, heating, and power for public or private uses.

This bill would limit that prohibition to works or property for the distribution of electric energy for lighting, heating, and power for public or private uses, and to works or property already employed in the generation, production, transmission, distribution, sale, or lease of power for public utility purposes, except where the acquisition of those works or property is by mutual agreement between the district and the owner of the property.

**Ch 478 (AB 470) Bates. Conservation easements.**

Under existing law, only a tax-exempt nonprofit organization which satisfies designated criteria may acquire and hold a conservation easement.

This bill, in addition, would enable specified state and local governmental entities to acquire and hold conservation easements if the conservation easement is voluntarily conveyed and if the state or local governmental entity is otherwise authorized to acquire and hold title to real property.

**Ch. 479 (AB 691) Papan. Title insurance**

Existing law defines the business of title insurance as including the issuing or proposing to issue any title policy as insurer, guarantor, or indemnitor; the transacting or proposing to transact any phase of title insurance, as specified; the performance by a title insurer, an underwritten title company, or a controlled escrow company of any service in conjunction with the issuance or contemplated issuance of a title policy; and the issuance, by a title insurer, of a letter of indemnity.

This bill would additionally specify that the business of title insurance includes the act of an insurer in furnishing in writing to a prospective purchaser of the insurer's title policy a statement which assures, and assumes the liability for, the proper performance of services necessary to the conduct of a real estate closing performed by an underwritten title company with whom the insurer maintains an underwriting agreement. The bill would also specify that a title insurer may charge a reasonable fee in connection with the furnishing of any such statement, and that no rate or form filing shall be required with respect to any such statement.

The bill would additionally make various technical changes in existing law

Existing provisions of the Insurance Code provide for the regulation of title insurance.

This bill would specify that those provisions and the regulations adopted pursuant thereto with respect to the conduct of escrow and title transactions be exclusive to the exclusion of any local regulation or ordinance.

**Ch. 480 (AB 710) Hannigan. Environmental quality: state regulatory programs and environmental impact reports.**

(1) The California Environmental Quality Act generally requires the preparation of an environmental impact report for a project which may have a significant effect on the environment. Under the act, described regulatory programs of state agencies, boards, and commissions which have protection of the environment among their principal purposes and which require a plan or other written documentation to be submitted in support of specified activities are exempt from environmental impact report requirements upon certification by the Secretary of the Resources Agency that the programs meet specified criteria. County agricultural commissioners are declared to be state agencies for purposes of those provisions.

This bill would declare any air quality management district also to be a state agency for purposes of those provisions, except activities undertaken by it with respect to specified provisions relating to nonattainment area plans would not be subject to those provisions.

(2) Under the act, any environmental impact report or negative declaration required to be prepared under the act is required to be prepared by, or under contract to, a public agency. The act provides that this requirement does not prohibit any person from submitting information to the responsible public agency and that information may be submitted in any format and may be included in the report or declaration.

This bill would make those provisions applicable to other comments, as well as information, submitted by persons and would require the public agency to consider the information and other comments.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 481 (AB 922) Vicencia. Public construction contracts—prohibited insurance requirements: exception—exclusive public mass transit guideways.**

An existing law prohibits, with respect to competitively bid local public agency building or construction contracts, certain coercive and unfair insurance or surety requirements.

This bill would exempt from that prohibition the construction of any exclusive public mass transit guideway project in any county with a population exceeding 6,000,000.

**Ch. 482 (AB 612) Frazee. Subdivision maps: expiration.**

Existing law provides that an approved or conditionally approved tentative subdivision map will, with certain exceptions, expire 12 months after its approval or conditional approval. Local agencies are authorized to increase, by ordinance, the time of expiration by an additional period of up to 18 months.

This bill would increase the specified 12-month expiration period to 24 months and would allow local agencies to increase, by ordinance, the time of expiration by an additional period of up to 12 months.

Under existing law, the time during which a water or sewer moratorium is in effect following approval of a tentative map is not included in determining the period of time for which approval of the map will remain valid.

This bill would substitute "development moratorium" for water or sewer moratorium, and would define development moratorium.

The bill would also remove a provision relative to tentative maps approved prior to January 1, 1978, and affected by a moratorium in effect after that date.

**Ch. 483 (AB 1025) Thurman. Notice of parole hearings.**

Existing law requires the Board of Prison Terms to send to specified persons written notice of a hearing to consider the parole suitability or the setting of a parole date for any prisoner sentenced to a life sentence.

This bill would provide that where the prisoner who is the subject of a parole suitability hearing was convicted of the murder of a peace officer, the law enforcement agency which had employed that peace officer at the time of the murder is also to receive written notice of the parole hearing from the Board of Prison Terms.

This bill would incorporate additional changes in Section 3042 of the Penal Code proposed by SB 39, to become operative if SB 39 and this bill are both chaptered and become effective on or before January 1, 1982, and this bill is chaptered after SB 39.

**Ch. 484 (AB 1851) Campbell. Municipal utility districts: retirement systems.**

The law presently prescribes the permissible investments of retirement funds established by municipal utility districts.

This bill would permit those retirement funds to be invested in deeds of trust and mortgages, specified security loan agreements, other investments available to commercial banks and municipal utility districts, and would provide that future changes in constitutional limitations upon stock investments, if implementing legislation is enacted, would also be applicable to municipal utility districts.

**Ch. 485 (SB 508) Mills. Public transit corridors.**

Existing provisions of the Zenovich-Moscone-Chacon Housing and Home Finance Act define the term "public transit corridor" for purposes of the act.

This bill would revise the definition for "public transit corridor" to include only routes on which the level of service, as defined, is at or above the average for the transit system as a whole, according to the transit operator serving the area.

**Ch. 486 (SB 562) Dills. Health and Welfare Agency Data Center Revolving Fund.**

Existing law provides for a Health and Welfare Agency Data Center Revolving Fund and makes the money in the fund available when appropriated by the Legislature to pay expenses incurred by the Health and Welfare Agency Data Center.

This bill would, instead, continuously appropriate the money in the fund for such purpose.

**Ch. 487 (SB 634) Vuich. Agriculture: apiary inspections.**

(1) Under existing law, for the purpose of the bee industry laws, "disease" is defined as American foulbrood or any other infectious disease, parasite, or pest that affects bees which the Director of Food and Agriculture declares is detrimental to the welfare of the bee industry.

This bill would include hereditary disease within that definition.

(2) Under existing law, the director may appoint a state supervisor of apiary inspection.

This bill would require the director to appoint a state supervisor of apiary inspection.

(3) Under existing law, an apiary inspector may, if he deems it necessary, enter into any premises and make an inspection of any apiary within his jurisdiction.

This bill would require an apiary inspector to enter and inspect any premises if a

disease, as defined, is brought to his attention in writing

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1987, the provisions contained in the bill for which state reimbursement is required.

(5) The bill would take effect immediately as an urgency statute.

#### Ch 488 (SB 674) Sieroty. Juvenile court law

Existing law delineates procedures for the adjudgment of persons as wards of the juvenile court on the basis of noncriminal (so-called "status" offenders) and criminal conduct. A person may petition the juvenile court for sealing of his or her records, as specified, the court is required to order the destruction of sealed records when the person who is the subject of the records reaches the age of 38, except as specified, and any other agency in possession of sealed records is required to destroy its records when the person who is the subject of the particular record reaches the age of 38. Nonsealed juvenile court records are required to be destroyed when the person who is the subject of the record reaches the age of 38.

This bill would require the destruction of sealed juvenile court records, except as specified, as follows: 5 years after the record is ordered sealed if the person was alleged or adjudged to be a person coming within the juvenile court law on the basis of noncriminal conduct, or when the person reaches the age of 38 if he or she was alleged or adjudged to be a person coming within the juvenile court law on the basis of criminal conduct. Juvenile court records that have not been sealed would be required to be destroyed when the person who is the subject of the record reaches the age of 28 if he or she was alleged to be or adjudged a dependent child of the court or a ward of the court on the basis of noncriminal conduct, or when the person reaches the age of 38 if he or she was alleged to be or adjudged a ward of the court on the basis of criminal conduct.

It would authorize a probation officer to destroy all records and papers in a proceeding after 5 years from the date on which the jurisdiction of the juvenile court over the minor is terminated.

It also would make technical changes.

#### Ch 489 (SB 747) Foran. State park system. property acquisition.

Under the Property Acquisition Law, purchase negotiations for the acquisition of any land or other real property for the state park system are required to be initiated within 6 months of the effective date of the act which appropriates funds for the acquisition.

This bill would require that purchase negotiations be initiated within 6 months in cases of acquisition projects proposed by the Department of Parks and Recreation and within 12 months in all other cases.

#### Ch. 490 (SB 778) Stiern. Kern Desert Regional Park. local assistance resources grant; relief.

Under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, a local assistance grant was made to the County of Kern for the acquisition of lands for the Kern Desert Regional Park. The bond act authorizes the acquisition and development of real property for outdoor park and recreational purposes.

This bill would authorize the county to retain and convert 10 acres of the parkland acquired with those bond act funds to general governmental purposes when specified conditions are satisfied.

Ch. 491 (SB 822) Mello. Cats: possession or confinement.

(1) Existing law prohibits possessing or confining any live cat other than house cats, except that cats may be possessed and confined by zoos certified by the United States Department of Agriculture (USDA) and organizations, as specified, engaging in scientific or public health research. In addition, any organization or individual who exhibits or cares for cats such as circuses or wildlife rehabilitation centers, in compliance with standards determined by the Fish and Game Commission, may possess and confine live cats

This bill would specify that in addition to circuses and wildlife rehabilitation centers as qualified by the Department of Fish and Game, the following persons, when qualified by the department and licensed by USDA, may possess and confine live cats:

- (a) Other professional exhibitors
- (b) Dealers and breeders.

The bill would also permit cats which are possessed or confined by exempt organizations, as specified, to be sold, transferred, or disposed of to exempt organizations pursuant to a department permit and under specified conditions.

(2) Under existing law, there are 3 classes of domesticated game breeder's licenses. A class 3 license authorizes the licensee to engage in all domesticated game breeding activities involving only mountain lions. A class 3 licensee is subject to laws relating to inspection of the conditions under which cats are confined

This bill would also subject applicants for a class 3 license to the inspection provisions and specify that class 3 licensees and license applicants are subject to the provisions of the laws relating to possessing and confining live cats referred to in (1) above.

Ch 492 (SB 1145) M Garcia James V. Fitzgerald Marine Reserve: sea urchins and rock crab.

(1) Existing law authorizes the taking of specified fish and mollusks in the James V Fitzgerald Marine Reserve including sea urchins and rock crab.

This bill would eliminate sea urchins and rock crab from the fish and mollusks which may be lawfully taken in the reserve

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) This bill would take effect immediately as an urgency statute.

Ch. 493 (AB 1009) Wray. Transportation: Orange County Transit District county transportation commissions.

(1) Under the Orange County Transit District Act of 1965, the members of the Board of Directors of the Orange County Transit District are entitled to receive per diem of \$50 per day, but not to exceed \$200 per month.

This bill would increase these per diem amounts to \$75 and \$300, respectively

(2) Under the act, the board of directors consists of 5 members with 1 public member, who shall not have been a mayor, city councilman, or member of the board of supervisors for the previous 2 years, appointed by the other 4.

This bill would require the public member to be appointed by a majority of the other 4, and would allow all 4 other members to waive the 2-year disqualification provision

(3) Under the act, either the district or the labor organization may request that a labor dispute be submitted to binding arbitration, and if the district and the labor organization do not agree to this submission, the State Conciliation Service is required to notify the Governor who shall appoint a factfinding commission

This bill would require instead that both the district and the labor organization, rather than either, agree to request arbitration, and would delete the functions of the State Conciliation Service and the Governor's factfinding commission in this regard.

(4) Under the act, the district may not establish service which may divert patronage or revenue from an existing system, which is defined as a system with at least 75% of its revenue vehicle miles for the preceding year within Orange County, and it requires that the purchase price be not less than the average annual gross revenue, as specified, for the preceding 3 years including revenue from transporting pupils, if applicable

This bill would prohibit the district from proposing to establish such service without giving prior written notice to the public utility operating the existing system and would require that, in any event, an existing system for these purposes have been in operation since at least January 1, 1982, and would delete the requirements regarding the purchase price not being less than gross operating revenue.

(5) Under the County Transportation Commissions Act, a member of a county transportation commission is compensated at the rate of \$50 per day, but not to exceed \$100 a month

The bill would authorize a compensation up to \$75 a day, but not to exceed \$300 a month

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 494 (AB 1976) Young. Statutes of limitations.

Existing law prescribes specific periods of time for the commencement of civil actions, depending upon the nature of the action. For example, the prescribed period for an action premised upon a statute for a penalty is 1 year, an action upon a liability created by statute other than a penalty is 3 years, and an action for relief not otherwise specifically provided for is 4 years. An action filed after the expiration of the prescribed period may be barred if the period of limitation is raised as a defense.

This bill would specify 3 years as the period within which actions must be commenced under the Porter-Cologne Water Quality Control Act or specified provisions relating to hazardous waste control

This bill would make additional changes contingent upon the prior enactment of SB 802.

Ch 495 (AB 2021) N Waters. Fairs revenue bonds. California Parklands Act of 1980.

(1) Existing law authorizes a joint powers entity to issue revenue bonds for specified projects, including, among other things, an exhibition building or other place for holding fairs or exhibitions.

This bill would provide that the authority to issue revenue bonds for an exhibition building or other place for holding fairs or expositions would include movable equipment, entertainment facilities, and other facilities used in conjunction with holding a fair or exposition in several locations.

(2) Existing provisions of the California Parklands Act of 1980 authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$285,000,000 for parklands acquisition and development purposes, as specified. The purposes include, among others, local assistance grants to cities, counties, and districts for purposes of the act. A district is defined as any district authorized to provide park, recreation, or open-space services, or a combination of such services, except a school district

This bill would specify that a district agricultural association and a citrus fruit fair authorized to provide park, recreation, or open-space services of a character commonly provided by a recreation and park district, and which provides those services for the general public on a year-round basis, is a district under the act. The bill would also provide that park, recreation, or open-space services of a character commonly provided by a county parks and recreation department which are provided by a county fair for the general public on a year-round basis are eligible for a local assistance grant under the act. The bill would state that the Legislature finds and declares that these provisions are declaratory of existing law.

Ch 496 (AB 2153) L. Stirling Local agencies. securities adviser or consultant.

Existing law prohibits a financial securities consultant, while acting in an advisory capacity to a local agency concerning the issuance of more than \$1,000,000 in securities, from acting as an underwriter for the purpose of acquiring an interest in securities issued

by the local agency, unless the securities are offered at a competitive public sale, the consultant notifies the local agency of his intention to bid on the offering, and the local agency consents thereto.

This bill would delete the existing prohibition and would, instead, require that an agreement by a broker, dealer, or municipal securities dealer to render financial advisory or consultant services to a local agency in connection with the issuance of municipal securities be evidenced by a writing setting forth the basis of compensation for services rendered and provisions for the deposit of funds or the utilization of fiduciary or agency services offered by the broker, dealer or municipal securities dealer.

The bill would define "broker" and "dealer" to mean the same thing, as specified, and also define "municipal securities dealer", for these purposes.

The bill would prohibit any such broker or dealer with financial advisory relationship with a local agency concerning a new issue of municipal securities, from acquiring, either alone or with others, or arranging the acquisition of, all or any portion of the issuance, unless certain specified conditions are met.

The bill would require a broker or dealer, under certain circumstances, to disclose to purchasers of municipal securities the broker's or dealer's financial advisory relationship with the issuer.

The bill would exclude from its provisions a municipal securities dealer who, in the course of acting as an underwriter, renders advice to an issuer of municipal securities.

#### Ch. 497 (SB 13) Craven Wildlife Buena Vista Lagoon Ecological Reserve.

Existing law provides for the California Environmental License Plate Fund from which specified types of programs and projects are eligible for funding.

Existing law authorizes the Department of Fish and Game to obtain land and water for the purpose of establishing ecological reserves.

This bill would appropriate \$500,000 from the California Environmental License Plate Fund to the Department of Fish and Game for expenditure during the 1981-82, 1982-83, and 1983-84 fiscal years, for the purpose of dredging in, and repair of facilities at, the Buena Vista Lagoon Ecological Reserve in San Diego County. Any funds received by the state under the Federal Disaster Relief Act of 1974 would be deposited as a reimbursement to the fund.

#### Ch. 498 (AB 969) Campbell Hearing referees

Existing law provides that hearing referees within the State Department of Social Services shall hear and make proposed decisions upon appeals regarding various public social services programs.

This bill would specify that the chief referee would be appointed by, and responsible to, the Director of Social Services.

The bill would further specify that hearing decisions shall be fair, impartial, and independent.

#### Ch. 499 (AB 1299) Bosco Court personnel.

(1) Existing law specifies the salaries and fees of court reporters in Sonoma County and Humboldt County, and the fees of court reporters in Del Norte County.

This bill would increase the salaries and fees of court reporters in Sonoma County and Humboldt County, and the fees of court reporters in Del Norte County.

(2) Existing law specifies the number, compensation, and classification of municipal court personnel in Sonoma County.

This bill would revise the number, compensation, and classification of municipal court personnel in Sonoma County.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.



Ch. 500 (AB 1756) Chacon. Community colleges: property tax revenues.

Under existing law the county auditor of each county is required to provide specified tax revenue calculations, by specific dates, to the Superintendent of Public Instruction.

This bill would require the county auditors to provide the same information to the Chancellor of the California Community Colleges

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

Ch. 501 (AB 1142) McAlister. Central credit unions.

Existing law provides that, with the approval and under the regulations prescribed by the Commissioner of Corporations, a central credit union may admit to membership groups of employees of a common employer of at least 25 in number and whose place of employment is located within a specified distance, upon an employer's application and approval of the board of directors of the central credit union.

This bill would eliminate the limitation on the minimum number of employees of a common employer required to qualify for membership in a central credit union.

Existing law provides that whenever a group of employees which is a member of a central credit union exceeds 500 in number, the employees may organize a separate credit union and thereafter the group of employees is no longer eligible for membership in the central credit union.

This bill would eliminate the provisions relating to the number of employees in a group which may organize a separate credit union and their subsequent ineligibility for membership in the central credit union, and would instead provide that an employee group which qualifies for a certificate to act as a credit union may organize a separate credit union.

Existing law provides that where an employee group of a central credit union forms a separate credit union, and the plan is approved by the Commissioner of Corporations, a central credit union is required to transfer the member accounts of these employees to any credit union they have formed.

This bill would make such a transfer of member accounts by a central credit union permissive rather than mandatory.

Ch. 502 (AB 1259) Rosenthal. Professional engineers and land surveyors.

Existing law requires an applicant for a certificate as an engineer-in-training or as a land surveyor-in-training to pass an examination consisting of two divisions. The law provides for a special examination for applicants whose age, education, and experience qualifications exceed other specified requirements.

This bill would authorize the State Board of Registration for Professional Engineers to provide for a waiver of the examination for applicants with specified qualifications, would provide that the assignment of a special examination is to apply to applicants for the second division of the examination, and would delete the age and education specifications for the special examination.

The bill would also authorize the board to provide for a special examination for certain applicants for a land surveyor-in-training certificate.

Ch. 503 (AB 1552) L. Stirling. School employee certification: release of information.

Under existing law, any member or staff member of the Commission for Teacher Preparation and Licensing, any member or staff member of the Committee of Credentials, or any State Department of Education employee who releases or gives out information received at commission or committee meetings, hearings, or investigations without the authorization of the commission or committee is guilty of a misdemeanor.

This bill would, in addition, make it a misdemeanor for a material witness or his or

her representative to release this information without authorization unless this information was known to the maternal witness or his or her representative prior to that hearing, meeting, or investigation.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 504 (AB 874) Costa. Cattle.**

(1) Existing law provides a specific formula for indemnity of an owner for the required slaughter of a bovine animal in a brucellosis control area which reacts positively to a test for brucellosis. The owner receives (a) the proceeds of the sale of the salvage of the animal, (b) from the State of California,  $\frac{1}{2}$  of the difference between the appraised value and the proceeds of the sale of the salvage, but in no case more than \$300 per animal, and (c) from the United States, any sum authorized to be paid to assist in eradication of brucellosis.

This bill would change the state's share to be  $\frac{1}{2}$  of the difference between the appraised value and the sum of the proceeds of the salvage sale and the indemnity provided by the United States, with the same maximum amount per animal.

(2) Existing law also requires that a person engaged in selling cattle on consignment at any public stockyard, salesyard, or sales market to prepare a certificate of consignment, as specified, for cattle prior to inspection.

This bill would require the certificate to be prepared on or before the day of sale, rather than prior to inspection.

**Ch. 505 (AB 1977) Wray Mobilehomes**

Existing law requires any operator or owner of a mobilehome park to possess a valid permit and further requires any owner or operator to notify the enforcement agency, in writing, and within a specified time, of any changes in the name or possession of ownership.

This bill additionally requires that the owner of a mobilehome park be disclosed by the management of the park, in writing, upon the request of a tenant.

**Ch. 506 (AB 1054) Herger Levee district elections.**

(1) Under existing law, elections for directors of districts organized under the Levee District Law of 1959 are held at the same time as general state and county elections and are conducted in accordance with prescribed procedures.

This bill would provide instead for the elections to be subject to the Uniform District Election Law, under which elections are held on the first Tuesday after the first Monday in November in each odd-numbered year, and would repeal the provisions prescribing special procedures for levee district elections. The bill would make related changes.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 507 (AB 509) Naylor Schools surplus property**

Existing law requires, among other things, that the portion of a surplus school site consisting of land used for playground, playing field, or other recreational and open-space purposes, but not more than 30% of a school district's total surplus acreage, under specified circumstances, be first offered for sale or lease to specified public agencies pursuant to prescribed priorities to assure continued availability of the land for those purposes. Existing law also authorizes the governing board of a district to retain specified portions of a surplus school site containing structures and buildings to avoid unreasona-

bly reducing the market value of that site and prescribes the method of determining the sale price of the surplus site.

This bill would define open-space purposes and would redefine surplus school acreage, as specified.

This bill would prohibit a public agency from purchasing surplus school property unless it has first adopted a plan for the purchase of surplus school property, including a designation of which surplus sites all or a portion of which the agency desires to purchase at the prescribed sale price and which sites it does not desire to purchase, as specified. This bill would exempt the property designated as not to be purchased from the provisions requiring surplus school property to be sold as prescribed.

This bill would limit the right of a public agency to acquire surplus school property within its jurisdictional boundaries to an amount not in excess of 30% of the surplus school acreage within those boundaries, except as specified. This bill would not affect the opportunity of a public agency to purchase at fair market value all or part of the 70% of the total surplus school acreage not affected by these provisions.

This bill would authorize the governing board of a school district to retain specified portions of a surplus school site containing structures or buildings to avoid reducing the value of that site to less than 50% of fair market value.

This bill would increase the sale price of surplus school property when a school district closes a school and sells surplus property to help pay only for capital outlay costs incurred directly as a result of the transfer of pupils from the closed school, as specified.

#### Ch 508 (AB 917) Duffy. Milk pooling.

Existing law provides for a system of milk pooling in California and requires the Director of Food and Agriculture to establish price stabilization and marketing plans for market milk throughout the state.

This bill would specify that any quota of milk returned to the director after April 30, 1981, by producers shall be utilized for new producer milk pool allocations, as specified.

#### Ch 509 (AB 935) Kapiloff. Boat registration. licensed party vessels.

(1) Under existing law which shall become operative on January 1, 1982, a certificate of boat registration of a licensed party fishing vessel may be revoked or suspended by the Fish and Game Commission, for a period not to exceed 1 year, upon the conviction of a person who is not the registrant or under the direct control of the registrant of the vessel, if that person sells any fish or amphibia taken under a sport fishing license as specified, the fish or amphibia were taken from the vessel, and that person committed a prior violation of the above-stated provisions on the vessel. However, the certificate of registration may not be revoked if the violation of those provisions is unrelated to the vessel.

This bill would require that the prior violation be committed within 3 years before the certificate of boat registration would be subject to being revoked or suspended. The bill would also provide that any violation of those provisions committed by an agent, servant, employee, or person acting under the direction or control of the registrant would invoke such revocation or suspension, but that any violation without the knowledge of the master, or an agent or employee of the registrant, is unrelated to the vessel.

(2) The provisions stated in (1) above would remain in effect only until January 1, 1985, and as of that date would be repealed, unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends that date.

#### Ch. 510 (AB 154) Rosenthal. Licensed vocational nurses.

Existing law establishes the maximum fees which may be prescribed for licensed vocational nurses.

This bill would increase the fees for licensed vocational nurses by increasing the maximum which may be prescribed for an application fee from \$25 to \$50, increasing the examination fee after the first examination from \$10 to \$35, and the maximum renewal fee from \$25 to \$50.

Existing law provides that all money in the Vocational Nurse and Psychiatric Technician Examiners Fund is continuously appropriated to carry out the provisions of the Vocational Nursing Practice Act.

The increased fees provided in this bill would result in increased money in the fund.

available for appropriation

**Ch. 511 (AB 329) McAlister. Agency.**

Under existing law, a person may designate another person as his or her attorney in fact or agent by a writing showing his or her intent that the authority conferred shall be exercisable notwithstanding his or her later disability or incapacity. Such authority is exercisable until one year after a disability or incapacity occurs, as specified.

This bill would enact the Uniform Durable Power of Attorney Act under which such a power of attorney would not automatically expire one year after a disability or incapacity occurs, but would continue until it is terminated or amended, as specified, and would enact provisions for court review of and enforcement of duties of an attorney in fact, as specified.

**Ch. 512 (AB 372) Campbell. Franchises**

Under existing law, a person or corporation which refines, processes, or distributes gasoline or diesel fuel (franchisor) may withdraw from a marketing area and, as to any particular premises owned or leased by such person, re-lease or sell the premises to another, irrespective of the wishes of the franchisee, in the absence of contractual provision to the contrary.

This bill would provide that, in the case of leased marketing premises as to which the franchisor owns a fee interest or which the franchisor leases from a third party, the franchisor shall give a franchisee a first right of refusal to obtain the franchisor's interest, as specified. The franchisor would be subject to civil liability, as specified, for a violation of this provision.

**Ch. 513 (AB 1064) Rosenthal. Employment.**

Existing law makes it a misdemeanor for any person, after having paid off an employee voluntarily leaving such service, to prevent or attempt to prevent the former employee from obtaining employment by any misrepresentation.

This bill would instead make it a misdemeanor for any person, after an employee has voluntarily left such service to prevent or attempt to prevent the former employee from obtaining employment by any misrepresentation.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 514 (AB 2135) Konnyu. Spousal support.**

Under existing law, in any judgment decreeing the dissolution of a marriage or legal separation, the court may order a party to pay for the support of the other party any amount, and for any period of time, as the court may deem just and reasonable. In making such an award, the court is required to take into consideration various factors such as the earning capacity of each spouse and the time required for a supported spouse to acquire appropriate education, training, and employment.

This bill would authorize a court to order such a party to submit to an examination, as specified, by a vocational training consultant, as defined.

**Ch. 515 (AB 2113) Johnson. Group life insurance. credit unions.**

Existing law defines, as a form of group life insurance, policies issued to certain credit unions and members thereof and requires, among other things, that the amount insured on any one borrower not exceed the balance of the indebtedness to the credit union and not exceed \$15,000 on any one life.

This bill would increase the amount to \$50,000 on any one life.

**Ch. 516 (AB 559) Johnston. California State University and Colleges**

(1) Chapter 371 of the Statutes of 1965 transferred the leasing authority of state property from the Department of Finance to the Department of General Services. Existing law also requires that all references in any law or regulation to state colleges,

among other things, be deemed to refer to the California State University and Colleges

This bill would make technical, nonsubstantive changes in conformity with that transfer of leasing authority and would also change references to state colleges as required

This bill would also provide that these changes would not become operative if SB 653 is chaptered

(2) Existing law requires the Trustees of the California State University and Colleges to make an annual report within 5 days after the opening day of the Legislature each year relating generally to personnel matters

This bill would repeal that requirement

Ch 517 (AB 575) Lancaster. Credit unions share accounts and certificates for funds

Existing law provides for the organization and regulation of credit unions

This bill would provide that shares and certificates may be withdrawn for payment to the owner or any third party, as specified. It would also permit waiver of any requirement of notice of intent to withdraw with specified exception

Ch. 518 (AB 668) Wright Vehicles lights.

Existing law permits utility flood or loading lamps on tow cars, ambulances, and firefighting equipment under certain conditions

This bill would add, to those vehicles which may use those lamps, vehicles of law enforcement agencies or organizations engaged in the detoxification of alcoholics when loading or unloading intoxicated persons, as specified, vehicles used by law enforcement agencies for mobile blood alcohol testing, drug evaluation, or field sobriety testing, and vehicles used by publicly or privately owned public utilities when engaged in emergency roadside repair of electric, gas, telephone, telegraph, water, or sewer facilities

Ch 519 (AB 745) Ryan. Land use conversions

Existing law prohibits a person from selling or leasing or offering for sale or lease lots or parcels in a subdivision, with prescribed exceptions, without first obtaining a public report from the Real Estate Commissioner

This bill would expressly provide that the above provisions shall not apply to nonbinding expressions of intent to purchase or lease which an owner is required to obtain from the tenants of units which are proposed to be converted to a condominium, community apartment project, or stock cooperative project, by ordinance, or as a condition to the approval of a tentative or parcel map under the Subdivision Map Act

Ch 520 (AB 2110) Harris School facilities and property

(1) Existing law permits a school district or county superintendent of schools to enter into a lease agreement for equipment or service systems. It permits the renewal of a lease at the end of a specified number of terms, but requires that the renewal rate shall not be more than 7% annually above the rate set pursuant to the agreement existing at the time of renewal

This bill would permit the renewal rate for these leases to be not more than 12% annually above the rate set in the existing agreement

(2) Existing law permits the governing board of a school district to adopt a rule delegating to a specified officer or employee of the school district the authority to purchase supplies, materials, apparatus, and equipment up to an expenditure by the district of \$10,000.

This bill would permit such delegation of authority for purchase expenditures by the district of up to \$16,000.

Ch 521 (AB 2243) M Waters. Personal rights.

Under existing law, all persons within this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliations, sex, or position in a labor dispute. All persons also are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all business establishments. Business establishments are also prohibited from discriminating against or refusing to buy from, sell to, or trade with persons because of such factors, as specified. The Attorney General, a district attorney, or a city attorney is authorized to bring a civil

action requesting preventive relief against persons engaged in a pattern or practice of resistance to such rights.

This bill would authorize the bringing of such an action by any person aggrieved by such a pattern or practice.

It would take effect immediately as an urgency statute.

Ch. 522 (AB 2192) Felando. Vehicles: parking violations: physically handicapped persons' spaces.

Existing law prohibits parking in a stall or space designated for physically handicapped persons, if posted with a sign depicting a handicapped insignia, as specified, unless the vehicle displays distinguishing license plates or a specified placard. These provisions apply to offstreet parking facilities owned or operated by the state and, if designated by the local authority by ordinance or resolution, to offstreet parking facilities owned or operated by a local authority. They also apply to privately owned and maintained offstreet parking facilities if the entrance is posted with a designated sign stating that the facility is subject to public traffic regulations and if the city and county has adopted a specified ordinance.

This bill would specify that, as an alternative to the sign depicting the handicap insignia, a parking space designated for physically handicapped persons may be outlined in blue markings with a similar handicap insignia on the ground in the space. The bill would also delete the requirement for a local ordinance or resolution prohibiting unauthorized parking in offstreet handicap parking spaces so designated and for signs at the entrance to privately owned and maintained offstreet parking areas declaring the applicability of public traffic regulations, thereby allowing local authorities to enforce state law prohibiting such unauthorized parking.

Ch. 523 (AB 1963) Elder. County tax records.

Existing law provides that, with certain exceptions, any information and records in the assessor's office which are not required by law to be kept or prepared by the assessor, and homeowners' exemption claims, are not public documents and are not open to public inspection.

This bill would provide that, with the exception of information requested by the assessor or furnished in connection with property statements or change in ownership statements and certain records exempt under the Public Records Act, any information and records in the assessor's office which are required by law to be kept or prepared by the assessor, other than homeowners' exemption claims, are public records and are open to public inspection.

Existing law provides for the disclosure of information from county tax records upon the request of specified parties.

This bill would permit the county to impose upon the requester of information that the assessor is not required by law to prepare or keep a fee that is reasonably related to the direct and indirect costs incurred by the county in developing and providing that information. This authorization to impose fees would not apply to requests of the State Board of Equalization for information.

This bill would provide that its provisions apply only to Los Angeles County and only until January 1, 1985.

Ch. 524 (AB 478) Ingalls. Motor vehicles.

(1) Existing law requires the Director of Consumer Affairs to adopt regulations prescribing equipment and other qualifications for stations licensed by the Bureau of Automotive Repair of the Department of Consumer Affairs to install, repair, inspect, or recharge motor vehicle pollution control devices.

This bill would authorize the director, by regulation, after consulting with the Department of the California Highway Patrol and the State Air Resources Board, to approve testing and calibration equipment for use in licensed stations and to approve testing laboratories and equipment used to certify performance of the testing and calibrating equipment.

(2) Existing law provides for the suspension of a licensed station in the South Coast Air Basin program if the station does not follow the specifications and procedures of the department when performing vehicle maintenance, repairs, or an engine tuneup.

This bill would authorize revocation of the station's license as well as suspension.

(3) The bill would also make technical nonsubstantive changes.

(4) The bill would take effect immediately as an urgency statute

**Ch 525 (AB 282) Alatorre. State civil service reinstatement: time limitations.**

Existing statutes: (1) prescribe time limitations upon reinstatements of former state civil service employees of (a) 3 years, for employees, except members of the California Highway Patrol, separated for specified reasons and (b) 5 years, for former miscellaneous members who retired before January 1, 1979, because of then mandatory retirement age provisions; and (2) exclude from the computation of the time period in item (1) (b) above, time spent in exempt service, as a temporary employee of another governmental agency engaged in a technical cooperation program, as specified, or in recognized military service.

This bill would make the exclusions in item (2) above, applicable also to the 3-year period in item (1) (a) above.

**Ch. 526 (AB 281) Alatorre. State civil service employees: punitive actions.**

Existing law establishes a civil service system for state employees, defines "punitive action" as dismissal, demotion, suspension, or other disciplinary action, and prescribes related procedures.

This bill would change the term "punitive action" in the related statutes to the term "adverse action."

**Ch. 527 (AB 208) M Waters. Sexual assault investigation advisory committee.**

Existing law provides for the establishment by the Office of Criminal Justice Planning of an advisory committee for the purposes of developing a course of training for district attorneys in the investigation and prosecution of sexual assault cases and awarding grants for local rape victim counseling centers.

The committee consists of 11 members, 5 of whom are appointed by the executive director of the Office of Criminal Justice Planning. One of those 5 appointees is a representative of a city police department.

This bill would provide that this appointee shall be a representative of a city police department or a sheriff or a representative of a sheriff's department.

**Ch 528 (AB 84) McAlister. Remedies.**

Existing law exempts public retirement, disability, and annuity funds, including PERS and STRS, from execution of judgment, garnishment, attachment, or other process, except in cases of court-ordered child or spousal support payments, as specified.

This bill would extend the exceptions from exemption specified for court-ordered child and spousal support payments to all judgments and orders for child and spousal support payments.

This bill would take effect immediately as an urgency statute

**Ch 529 (AB 1566) Bates. Vehicles: parking violations: renewal of registration.**

Existing law requires the Department of Motor Vehicles to refuse to renew the registration of a vehicle whose registered owner or lessee has been sent or given, and has failed to comply with, a notice of violation issued for a parking offense, unless he pays to the department, at renewal, the full amount of undeposited bail for the offense.

This bill would specifically require the department to refuse to renew the registration of a vehicle of a rentee who has failed to comply with a notice of violation unless he pays to the department, at renewal, the full amount of undeposited bail for the offense. This bill would also prohibit the department from refusing to renew the registration of a vehicle of a renter or lessor with an unpaid parking offense, if an application to renew the registration is accompanied with an affidavit stating that the vehicle was in possession of the rentee or lessee when the offense occurred.

**Ch 530 (SB 391) Watson. Real estate**

Existing law provides for the licensure and regulation of persons who act as real estate brokers.

This bill would provide that a person who acts as a real estate broker in certain specified capacities and who intends or expects to negotiate in any successive 12 months,

any combination of new loans and sales or exchanges of existing promissory notes and real property sales contracts of an aggregate amount of more than \$1,000,000, is required to submit a proposed advertisement relating to certain real estate transactions to the Real Estate Commissioner for his or her approval, prior to its use. It also would specify legislative intent with regard to the performance of that review by the Real Estate Commissioner.

Existing law requires certain real estate licensees to submit to the Department of Real Estate for clearance, a copy of any advertisement proposed to be used in connection with his or her mortgage loan brokerage activities

This bill would eliminate these requirements and would make conforming changes

It also would require the Real Estate Commissioner to submit a report to the Legislature assessing the effectiveness of the review program by June 30, 1983, and would require the Corporations Commissioner to append written remarks to the report, as specified

This bill would take effect immediately as an urgency statute

Ch 531 (SB 920) Holmdahl. San Francisco Bay Area Rapid Transit District.

Under the San Francisco Bay Area Rapid Transit District Act, the construction of facilities and works by the San Francisco Bay Area Rapid Transit District is required to be put to bid when the expenditure required exceeds \$10,000.

This bill would make this requirement inapplicable to interconnection work on specified projects to be performed during periods of operation of the transit system within 12 feet of the centerline of the existing track, thereby permitting the performance of such work by district personnel.

The bill would take effect immediately as an urgency statute

Ch 532 (SB 793) Johnson. Airport funding

Under existing law, state funds are allocated by the Department of Transportation to public entities operating airports on a matching-fund basis for airport and aviation purposes. Until June 30, 1981, the matching provision is a sum from nonstate and nonfederal funds based on the rate established annually by the California Transportation Commission of at least 10% and not exceeding 50% of the nonfederal portion.

This bill would extend the effective period of that matching provision until July 1, 1983.

The bill would take effect immediately as an urgency statute

Ch. 533 (SB 360) Alquist. Mobilehome installation: seismic safety.

(1) Existing law does not expressly require the Department of Housing and Community Development, with the review and advice of the Seismic Safety Commission, to adopt rules and regulations to ensure that purchasers of all mobilehomes installed for occupancy are offered earthquake resistant bracing systems which meet generally accepted seismic safety standards for the protection of the health and safety of the occupants

This bill would require the department to adopt such rules and regulations. It would require the rules and regulations to include a process and a fee schedule for review and certification by the department of such bracing systems, as specified. The bill would make the department responsible for notifying owners of existing mobilehomes of the certification process

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 534 (SB 690) Presley. Taxation: capital gains.

Under existing law, various percentages of the gain or loss recognized upon the sale or exchange of a capital asset are taken into account in the computation of taxable income, based on the holding period of the asset

This bill would revise the percentages of recognized gain to be taken into account in



computing taxable income by increasing those percentages for nonproductive assets, as defined, and by decreasing those percentages for small business stock, and would revise the holding periods upon which those percentages are based with respect to small business stock.

The bill would take effect immediately as a tax levy, but its operative date would depend on when it takes effect.

**Ch. 535 (AB 301) Alatorre. Congressional districts.**

Federal law requires the Legislature to reapportion congressional districts following each federal decennial census.

This bill would reapportion congressional districts based on the 1980 census.

**Ch. 536 (SB 99) Boatwright. Reapportionment.**

The California Constitution directs the Legislature, in the year following the year in which the national decennial census is taken, to adjust the boundary lines of senatorial, Assembly, congressional, and Board of Equalization districts.

This bill would state certain Legislative findings and declarations relating to redistricting and would specifically adjust the boundary lines of all Senate districts.

Existing law does not fix a deadline for filing a court challenge to a redistricting statute.

The bill would require a petition of this notice to be filed in the California Supreme Court within 30 days from the effective date of the redistricting statute

**Ch. 537 (AB 300) Alatorre. Redistricting.**

(1) The California Constitution directs the Legislature, in the year following the year in which the national decennial census is taken, to adjust the boundary lines of senatorial, Assembly, congressional, and Board of Equalization districts.

This bill would adjust the boundary lines of all Assembly districts.

(2) Existing law does not expressly provide that maps describing the boundaries of congressional, legislative, and Board of Equalization districts which have been prepared by the Legislature or a committee of the Legislature be deposited with the Secretary of State

This bill would provide for the deposit of these maps with the Secretary of State.

(3) Current law does not require that each house of the Legislature be a proper party and have the right to intervene in any action involving the validity or application of any statute which provides for changes in the boundaries of any legislative districts of members of that particular house

This bill would provide this requirement.

(4) Under existing law no initiative shall be placed on a statewide special election ballot which qualifies less than 131 days before the date of the election.

This bill would impose the same restriction on referendum measures, and would state that the application of the provision to referendum measures applies to any referendum certified by the Secretary of State after September 1, ~~1982~~ [1981]\*

**Ch. 538 (SB 7) Boatwright. Elections**

The California Constitution directs the Legislature, in the year following the year in which the national decennial census is taken, to adjust the boundary lines of senatorial, Assembly, congressional, and Board of Equalization Districts.

This bill would adjust the boundaries of certain senatorial districts.

**Ch. 539 (SB 52) Maddy. Special election counties**

Existing law prescribes that members of county boards of supervisors shall be elected at the county general election conducted on the day of the statewide primary election. Under existing law, if there is a vacancy on a board, the Governor is required to fill the vacancy until a successor is elected and qualifies at the next county general election.

This bill would authorize the board of supervisors of any county to call a special election for purposes of electing members to the board if the 1980 county election was invalidated by a court of appeals

The above provisions of this act would be operative until April 1, 1982, and as of that date would be repealed

Existing law governing the formation or reorganization of school districts requires the county superintendent of schools to call an election regarding the formation or reorgani-

zation of a school district which election must be held at the next available regular election.

This bill would allow these elections to be held on December 22, 1981.

The bill would take effect immediately as an urgency statute.

Ch. 540 (SB 176) Presley Correction, commitment and treatment facilities: narcotic addicts.

(1) Under existing law, when a petition has been filed for commitment of a defendant convicted of any crime in a municipal or justice court to the Director of Corrections for confinement in the narcotic detention, treatment, and rehabilitation facility, he or she must be examined by 2 physicians.

This bill would, instead, authorize such examination to be conducted by 1 physician but would also require an examination by a second physician if the defendant so requests

(2) This bill would also make corrective and conforming changes in legislation enacted in 1980 relating to narcotic addict commitment and treatment.

(3) Existing law contains provisions which make certain persons ineligible for probation or the suspension of sentence on the basis that the persons used or were armed with a firearm in the commission or attempted commission of certain crimes. Otherwise, existing law provides that civil commitment of these persons is not prohibited.

This bill would delete the civil commitment of persons who are narcotic addicts from the latter provisions

(4) Existing law provides for investigation by the district attorney of suitability for commitment of persons to a narcotic addict treatment facility and recommendation to the court. Existing law also provides, as to persons convicted in a municipal or justice court, for commitment to a narcotic addict treatment facility of persons made ineligible by other provisions of law, upon the concurrence of the district attorney and the defendant

This bill would delete these provisions.

(5) Existing law authorizes the criminal court to impose a period of parole on a convicted felon who has been returned to the court at the end of a period of confinement in a narcotic treatment facility.

This bill would require the committed felon to, instead, be released on parole under the supervision of the Narcotic Addict Evaluation Authority at the end of the confinement period.

(6) This bill would also authorize the Narcotic Addict Evaluation Authority to return to the custody at the California Rehabilitation Center parolees who violate the authority's rules or regulations or the conditions of parole.

(7) Existing law requires all articles, materials, and supplies produced or made by inmate labor in a prison work program shall be solely and exclusively for public use and not sold or furnished for private use or profit except that products and byproducts of agricultural and animal husbandry enterprises and automobiles and aircraft refurbished as byproducts of vocational training programs at specified institutions may be sold to private persons at private sale.

This bill instead would permit products and byproducts of agricultural and animal husbandry enterprises or of vocational training programs to be sold to private persons at public or private sale.

(8) Existing law permits institutions of the Department of the Youth Authority to manufacture supplies or furniture for their own use and to raise produce for their own use or use in other state institutions

This bill would permit those institutions to manufacture, repair, and assemble products and raise produce which may also be sold to the public. Wards doing such work would be paid wages set by the Director of the Youth Authority.

(9) Under existing law, the planning and construction of state correctional facilities is generally done by the Department of General Services and the Office of the State Architect

This bill would provide for the planning and construction of facilities pursuant to the master plan of the Department of Corrections to be done by the Department of Corrections, as specified

(10) Existing law provides for, and limits, the construction of correctional facilities.

This bill would authorize the Department of Corrections to construct and establish correctional facilities in San Diego County.

The bill would delete from the Budget Act of 1981 the requirement that the design for the maximum security units at Tehachapi, and the initial facilities of other security levels, would be the prototype design for other facilities, as specified.

The bill would reappropriate the unencumbered balances of the appropriation contained in Chapter 789 of the Statutes of 1978 and would appropriate \$25,000 from the General Fund to the Joint Rules Committee for the purpose of obtaining specified information on housing of prisoners.

The bill would require reports from the Department of Corrections and the Legislative Analyst concerning the progress of adding beds to department facilities as specified.

The bill would take effect immediately as an urgency statute.

#### Ch. 541 (SB 215) Foran. Transportation: financing.

(1) Under existing law, the California Transportation Commission is required to allocate funds for transportation projects consistent with the Budget Act. The Department of Transportation is responsible for the layout and construction of all state highways on the termini designated by law and on the locations determined by the commission.

This bill would require the department to expedite project development and the expenditure of available revenues. The bill would specify the sequence of priorities of purposes for which allocations are to be made from the State Highway Account in the State Transportation Fund. The sequence would not preclude funding for exclusive public mass transit guideway projects where there has been voter approval to use state-imposed highway users tax revenues (i.e., gas tax, diesel fuel tax, registration fees, weight fees, and driver's license fees) for guideway construction. The bill would require the commission to review the department's project delivery performance and, after making findings and holding at least one public hearing, would authorize the commission to make a determination that the department has not made reasonable progress. After making that determination, the commission would be authorized to allocate funds in the State Highway Account for expenditures by counties for development, right-of-way acquisition, and construction of state highway projects included in the state transportation improvement program.

(2) Under existing law, the commission is required to prepare an independent evaluation of the budget of the department and submit its recommendation to the Legislature not later than each February 15.

The bill would require the evaluation and recommendation to include recommended adjustments in the motor vehicle fuel tax rates and commercial vehicle weight fees necessary to fund specified state highway programs.

(3) Under existing law, projects proposed in a regional transportation improvement program to be funded from the State Highway Account are listed in the program categories of new facilities, operational improvements, and local assistance.

The bill would preclude the listing of projects for maintenance, rehabilitation, and reconstruction in a regional transportation improvement program.

(4) Under existing law, an amount limited to \$110,000,000, with adjustments based on the Consumer Price Index and changes in the state's population, is required to be transferred from the Retail Sales Tax Fund to the Transportation Planning and Development Account in the State Transportation Fund from the estimated increase in sales and use tax revenues resulting from imposing the tax at a 4% rate and on motor vehicle fuel instead of at a 5% rate and not on motor vehicle fuel. The balance of the increased sales and use tax revenue over the \$110,000,000, as adjusted, is required to be transferred from the Retail Sales Tax Fund to the General Fund.

This bill, with respect to that balance, would require to be transferred to the General Fund \$127,000,000 in the 1981-82 fiscal year, \$141,000,000 in the 1982-83 fiscal year, \$106,000,000 in the 1983-84 fiscal year, \$71,000,000 in the 1984-85 fiscal year, \$35,000,000 in the 1985-86 fiscal year, and nothing in the 1986-87 and subsequent fiscal years.

The bill would require  $\frac{1}{2}$  of any amount of the estimate not transferred to be transferred to the State Highway Account and  $\frac{1}{2}$  to the Transportation Planning and Development Account for allocation, upon appropriation, by the Secretary of the Business, Transportation and Housing Agency, pursuant to a specified formula, to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan

Transit Development Board for deposit in a unified transportation fund and reallocation for public transportation purposes and streets and highway purposes.

The bill would require the estimate and the transfers to be made in accordance with prescribed requirements

(5) Under the Motor Vehicle Fuel License Tax Law and the Use Fuel Tax Law, a tax is imposed at the rate of 7 cents per gallon on motor vehicle fuel.

The bill would increase that tax rate, on and after January 1, 1983, to 9 cents per gallon.

The bill would also increase that tax rate, on and after January 1, 1983, by an amount the federal fuel tax rate of 4 cents per gallon is reduced so that the combined state and federal tax rate per gallon would equal 11 cents, or 13 cents if the above tax rates are so increased, except that exemptions under federal law would continue to apply

(6) Under existing law, specified local taxing entities within a county which has approved a proposition to authorize the use of state-imposed highway users tax revenues for the construction and improvement of exclusive public mass transit guideways are authorized to impose a 1 cent per gallon tax on motor vehicle fuel for expenditure for bus lanes and guideways, if the voters of the local entity approve a proposition granting authority to the local entity to impose the tax

The bill would authorize a county to impose a tax, in 1-cent increments, per gallon on motor vehicle fuel on a countywide basis, if a proposition granting the authorization is approved at an election, the county and cities have a written agreement on allocation of the tax revenues, and the proposition is approved by the board of supervisors and by a majority of the city councils having a majority of the population in the incorporated area of the county.

The bill would require the county to contract with the State Board of Equalization for administration of the tax and to reimburse the state board for administrative expenses of collection. The state board, after deduction of administrative costs, would be required to transmit the net revenues to the county and cities in accordance with the allocation agreement. The cities and county would be required to expend the tax revenues received for highway and guideway purposes authorized by Article XIX of the California Constitution

(7) Under existing law, 70% of the funds in the State Highway Account that are allocated for construction purposes are required to be expended in state transportation districts within the 2 county groups on the basis of specified percentages.

The bill instead, commencing July 1, 1983, would require that the expenditures for construction purposes in each county in the 2 county groups be based on a formula which is based 75% on the population of the county to the total population of the county group and 25% on the state highway miles in the county to the total state highway miles in the county group. However, notwithstanding the allocation formula, the commission would be required to program and allocate funds for projects included in the 1980 state transportation improvement program.

(8) Under existing law, the revenues from 3.39 cents portion of the gas tax are apportioned to counties and to cities.

The bill would increase, on July 1, 1983, that portion to 4.39 cents of the gas tax and diesel tax.

The bill would also make an additional allocation of \$100,000,000 to the counties and cities during the 1982-83 fiscal year.

The bill would declare legislative intent regarding these additional funds that would be provided to the counties and cities.

The additional funds that would be allocated to Los Angeles County, if sufficient resolutions are adopted as discussed in (17) below, would be allocated to the cities in that county adopting resolutions, if that county itself does not adopt the resolution

(9) Under existing law, the vehicle registration fee is \$11

The bill would increase the vehicle registration fee to \$22

(10) Under existing law, a service fee of \$6 is charged for the registration of any vehicle purchased new, or previously registered, outside the state. However, a fee of \$3 is charged under specified circumstances

The bill would increase the fees to \$10 and \$6, respectively

(11) Under existing law, the vehicle transfer and duplicate ownership and license plate fees are \$3.

The bill would increase the vehicle transfer and duplicate fees to \$7

(12) Under existing law, the driver's license fee is \$3.25 and the fee for a duplicate driver's license is \$1.25.

The bill would increase the fee for driver's licenses and duplicate driver's licenses to \$10.

(13) Under existing law, the fee for an identification card is \$3.25 and the fee for a senior citizen identification card is \$3.

The bill would increase the fee for an identification card to \$6, but the fee for a senior citizen identification card would stay at \$3.

(14) Under existing law, commercial vehicles are required to pay weight fees, which are deposited in the Motor Vehicle Account in the State Transportation Fund.

The bill would increase the weight fees for commercial vehicles on January 1, 1982, and January 1, 1985, and would require after July 1, 1982, that the fees received, less the cost of the Department of Motor Vehicles in collecting the fees, be deposited in the State Highway Account.

(15) The bill would require the Secretary of the Business, Transportation and Housing Agency to submit not later than January 10, 1985, and not later than January 10th each 4-year period thereafter, a report to the Legislature on the fees imposed under the Vehicle Code.

(16) The bill would require the California Transportation Commission, in consultation with specified entities, to conduct a study on evaluating alternative geographic areas to be used in determining allocation for construction purposes, as discussed in (7) above, and to submit a report to the Legislature not later than January 31, 1982.

(17) The bill would provide that the increase in the gas tax and diesel tax, as discussed in (5) above and the increase in the allocation of gas tax and diesel tax revenues to the counties and cities, as discussed in (8) above, be implemented only if there is transmitted to the Governor, by November 15, 1981, a specified resolution by the boards of supervisors of counties, and by the city councils of cities in Los Angeles County if that board of supervisors does not adopt the resolution, with not less than  $\frac{2}{3}$  of the population of the state.

(18) The bill would provide for the Supreme Court to remove from the court of appeals and grant precedence over all civil actions and proceedings in hearing, as specified, any action attaching the validity of any provision of the bill.

(19) Provisions increasing the fees imposed by the Department of Motor Vehicles would become operative January 1, 1982.

(20) The bill would take effect immediately as an urgency statute.

Ch 542 (AB 81) D. Brown. Property tax exemption: religious purposes: hospital purposes

Existing law exempts from property taxation buildings, land on which they are situated, and equipment used exclusively for religious worship. It also exempts from property taxation certain property used exclusively for religious, hospital, or charitable purposes.

This bill would create, as specified, the "religious exemption" for property used exclusively for religious purposes. It would require any person claiming the religious exemption to initially submit to the assessor an affidavit containing specified information and once the exemption was received, it would require that person to inform, as specified, the assessor thereafter, if the property is no longer eligible for the exemption.

This bill would incorporate technical nonsubstantive changes in Section 214.4 of the Revenue and Taxation Code proposed by SB 241.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 543 (AB 519) Vasconcellos Miller-Unruh Basic Reading Act

Under existing law, the Legislature is required to conduct a comprehensive study of certain education programs. The programs, as presently maintained, terminate on vari-

ous specified dates, unless the Legislature enacts legislation providing otherwise. If the Legislature does not enact the legislation, funding for the general purposes of the program continues after the termination date, but relevant statutes and regulations are not operative. The Miller-Unruh Basic Reading Act of 1965 is one of these educational programs subject to review and is to terminate on June 30, 1982.

AB 777, which would become effective January 1, 1982, would revise the termination dates of various programs.

This bill would extend the termination date for the Miller-Unruh Basic Reading Act prescribed by AB 777 from June 30, 1984, to June 30, 1987.

Ch. 544 (AB 578) Vicencia. Horseracing: California-bred awards: quarter horses.

Under existing law, the terms "California-bred horse" and "California-bred thoroughbred" are defined for purposes of the Horse Racing Law.

This bill would define the term "California-bred quarter horse" as including any quarter horse foal conceived in California on or after January 1, 1981.

Ch 545 (AB 585) Thurman. Nuisance: agricultural enterprises.

Under existing law, anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance.

This bill would provide that an agricultural activity, operation, or facility, or appurtenances thereof, as defined, which is conducted or maintained for commercial purposes and in a specified manner shall not be or become a nuisance due to any changed condition in or about the locality after it has been in operation for longer than 3 years if it was not a nuisance at the time it began, except as otherwise specified.

Ch. 546 (AB 819) Duffy. Energy conservation standards: buildings.

Under the existing law, the State Energy Resources Conservation and Development Commission is required to establish and revise design and construction standards for new buildings which increase the efficiency of energy used for residential and nonresidential buildings. The present law provides for compliance with these standards, by cities, counties, and state agencies when issuing building permits, 6 months after the commission adopts regulations pursuant to these provisions.

This bill would, instead, require this compliance 6 months after the commission certifies an energy conservation manual pursuant to designated provisions requiring the commission to certify the manual within 180 days after approval of the standards by the State Building Standards Commission. It would make conforming changes and delete certain obsolete provisions.

Ch. 547 (AB 1132) Agnos. Pharmacy.

Existing law requires the State Board of Pharmacy to issue a license to practice pharmacy to any person who (1) is 18 years of age, (2) has graduated from an approved college of pharmacy, (3) has completed specified practical experience requirements, and (4) has passed a written and practical examination.

This bill would provide that as an alternative to graduation from an approved college of pharmacy, an applicant who was a nonresident of the United States for at least 5 of the 10 years prior to enrollment in a foreign pharmacy school and who has graduated from a foreign pharmacy school may complete, in the foreign pharmacy school or by a combination of coursework in the foreign pharmacy school and a college of pharmacy recognized by the board, the courses established by the board as being equivalent to those required for domestic graduates.

Existing law provides that a person, who is at least 18 years of age, who has graduated from a college of pharmacy recognized by the State Board of Pharmacy, or has completed a course of instruction in a foreign pharmacy school established by the board as being equivalent to domestic graduates, and is licensed to practice pharmacy in such country, and has not less than 1,500 hours of practical pharmacy experience, shall be permitted to take the written and practical pharmacy examination and requires the board to determine the specific hours of experience required, not to exceed 3,000 hours, for an applicant based on previous training and experience.

This bill would delete that provision of law.

The bill would take effect immediately as an urgency statute.

**Ch. 548 (SB 400) Presley. Public Employees' Retirement System: generally.**

(1) The Public Employees' Retirement Law presently provides that contracting agencies shall include service under a discontinued local retirement system for the purpose of computing the basic death benefit for local miscellaneous members

This bill would permit contracting agencies to include that service when computing the basic death benefit for local safety members

(2) The Public Employees' Retirement Law provides that former state safety members who retired before April 1, 1973, shall have the one-half continuance benefit reduced by their federal Social Security benefits.

This bill would provide that those retired persons would be eligible for the one-quarter continuance benefit.

(3) The Board of Administration of the Public Employees' Retirement System administers the Volunteer Firefighters Length of Service Award Act

This bill would permit unincorporated towns to participate in the program.

**Ch 549 (SB 212) Russell. Legislators' Retirement System: membership: legislative statutory officers.**

(1) The Legislators' Retirement Law presently permits the Secretary of the Senate, the Chief Clerk of the Assembly, the Sergeant at Arms of the Assembly, and the Sergeant at Arms of the Senate to become members of the Legislators' Retirement System as legislative statutory officers and provides that their retirement allowance is based upon their compensation when they vacate office or the compensation payable to the incumbent, whichever is higher

This bill would provide that the retirement allowance of any person who first commences service in any of those offices or who becomes a member of the system as one of those officers on and after January 1, 1982, shall only be based upon their compensation when they vacate their office

(2) Existing law permits legislative statutory officers to receive credit for previous state service upon making contributions at the rate of 6½% of compensation.

This bill would increase that rate to 8% for persons who become legislative statutory officers on or after January 1, 1982

(3) The bill would take effect immediately as an urgency statute.

**Ch. 550 (AB 1964) Elder. Property tax: actions.**

Under existing law, a court action may be brought to determine whether a property tax is illegal or unconstitutional only after the tax has been paid.

This bill would permit a taxpayer to bring a declaratory relief action on the illegality or unconstitutionality of an assessment or property tax if that action is brought no later than 30 days after the delinquency date. Property tax actions would also have precedence over other civil actions, with specified exceptions

**Ch. 551 (AB 686) Cortese. Voter registration.**

Existing law requires the county clerk to provide voter registration cards to any citizen or organization who wishes to distribute the cards. Existing law also states that if an elector entrusts a completed card to another that the elector be given a specified receipt.

This bill would, with respect to persons and organizations which undertake the distribution of these cards, require that voter registration cards be provided to any person requesting a card

A violation of the above-stated provisions of existing law and proposed law would constitute an infraction.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement

is required by this act for a specified reason

Ch 552 (AB 1812) Bergeson Schools. classified employees

(1) Existing law makes extensive provisions for the establishment of a merit system for the classified employees of school districts, including the establishment of a personnel commission. Under existing law, the commission is required to classify all employees and positions within the jurisdiction of the governing board or of the commission, except those specified as exempt from the classified service, and requires that the employees and positions be known as the classified service.

Existing law requires that all vacancies in the classified service be filled pursuant to the provisions of current law and the rule of the personnel commission, from applicants on eligibility lists which, wherever practicable, as determined by the commission, shall be made up from promotional examinations or appointments, as specified. Existing law requires that appointments shall be made from the first 3 applicants on the eligibility list who are ready and willing to accept the position, and that in examinations for classes designated as technical, professional, administrative, or executive, final scores of candidates are to be rounded to the nearest whole percent for all eligibles.

This bill would delete from existing law the requirements that appointments be made from the first 3 applicants on the eligibility list, and would provide that final scores be rounded to the nearest whole percent in examinations for all classes. This bill would specify that nothing contained in this section shall authorize the selection of eligible candidates in circumvention of the affirmative action programs of any school district.

(2) Existing law requires that eligibility lists shall be established for a period of not less than one year, except as otherwise provided, and that open competitive eligibility lists may be established for a 6-month period under specified circumstances.

This bill would delete from existing law the requirement that the specified 6-month eligibility list be designated open competitive.

Ch. 553 (SB 437) Beverly Alcoholic beverages

Existing law permits the Department of Alcoholic Beverage Control to issue a license to a limited partnership in which there are more than 10 limited partners and which is not required to file periodic reports with the Securities and Exchange Commission.

This bill would remove the restriction with respect to the partnership not being required to file periodic reports with the Securities and Exchange Commission.

Ch. 554 (AB 916) Statham. Commission for Economic Development: study of underdeveloped areas.

Existing law does not provide for a study to survey, develop, and establish economic and demographic profiles for underdeveloped areas of the state.

This bill would authorize funds from the Lieutenant Governor or the Commission for Economic Development for the purpose of conducting a study of this nature. This authorization of present funds to be used for a new purpose would constitute an appropriation.

Ch 555 (SB 750) Doolittle. Health services: physically handicapped children: adoption

(1) Under existing law, the State Department of Health Services is required to administer a program of services, including funding, for physically defective or handicapped persons under 21 years of age which is commonly known as the California Children's Services Program.

This bill would additionally require the department and the placing adoption agency to notify prospective adopting parents that, if they move out of the State of California, all benefits provided under the program terminate. The bill would require the department and the agency to advise the parents that they may be eligible for such funds in the new state.

(2) Under the existing California Community Care Facilities Act, the Director of Social Services is required to publish and make available a list or lists covering all licensed community care facilities, except foster family homes providing 24-hour care for 6 or fewer foster children and family day care homes, as prescribed.

This bill would specifically provide that the names, addresses and other identifying



information of facilities licensed as foster family homes providing 24-hour care for 6 or fewer children would be personal information for the purposes of the Information Practices Act of 1977 and the California Public Records Act, as specified. The bill would also require the director to promulgate regulations to prevent the use of names, addresses, and other identifying information of facilities licensed as family day care homes, except as necessary for specified purposes.

**Ch 556 (SB 821) Mello Building permits**

(1) Under existing law, a city or county or city and county may issue, and impose conditions on, permits for the construction of improvements to real property, including conditions imposing a requirement to furnish security for the faithful performance of the construction

This bill would specify the forms of security which would satisfy such a condition, and would require release of the security immediately upon the performance required or would permit partial release upon partial performance, as specified in the bill

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

**Ch 557 (SB 700) Dills Fire protection. hotels and motels. high-rise structures.**

(1) Existing law does not require persons owning or operating privately owned hotels or motels to provide persons entering those buildings emergency procedures to be followed in the event of fire

After a date 4 months after certain regulations of the State Fire Marshal become effective, this bill would require owners and operators of privately owned hotels and motels and high-rise structures to provide to persons entering those buildings specific emergency procedures to be followed in the event of fire, and to provide the emergency procedure information in a prescribed manner in a hotel or motel and in a specified area in other high-rise structures, designated pursuant to the regulations of the State Fire Marshal

The bill would require the State Fire Marshal to establish regulations for furnishing the information required by the bill, as specified.

The bill would make violations of its provisions a misdemeanor with specified punishment.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 558 (SB 693) Petris. Health insurance**

Existing law provides that health care service plans, policies of disability insurance, hospital service plans, and self-insured employee welfare benefit plans shall not prohibit the insured from selecting the services of a licensed psychologist

With respect to health care service plans this bill would provide that plan contracts which are written or issued for delivery outside California which provide benefits for California residents that are within the scope of psychological practice shall not be deemed to prohibit persons covered under the contract from selecting a psychologist licensed in California to perform services in California within the terms of the contract even though the psychologist is not licensed in the state where the contract is written or issued for delivery. It would provide that policies of disability insurance, hospital service plans, and self-insured employee welfare benefit plans written or issued for delivery outside California in a state the laws of which require recognition of psychologists licensed in the state for services performed within the scope of psychological

practice shall not be deemed to prohibit the insured from selecting a psychologist licensed in California to perform services in California which are covered under the terms of the policy even though the psychologist is not licensed in the state in which the insurance is written or issued for delivery.

**Ch. 559 (AB 926) La Follette. Income tax.**

Under existing community property law, the earnings and accumulations of a spouse, while living separate and apart from the other spouse, are the separate property of the spouse.

This bill would, for income tax purposes, provide that if 2 individuals are married to each other at the end of the taxable year and do not file a joint return for that year, and if they live separate and apart from each other with no present intention to resume the marital relationship for all or part of that year, then the earnings and accumulations of each during separation shall be reported on their respective returns as separate income.

This bill would take effect immediately as a tax levy

**Ch. 560 (AB 955) Thurman. Milk and dairy products.**

(1) Existing law provides that the giving of any article of any kind to a consumer for the purpose of securing dairy product business is an unfair practice, except that coupons and similar devices may be issued for redemption in connection with the retail sale of any cheese, except cottage cheese, provided that all costs of issuance and redemption are borne by the handler or distributor. Existing law also classifies milk and dairy products and provides that class 1 milk includes any market milk, market skim milk, half-and-half, and concentrated milk that is supplied to consumers in the fluid state, with specified exceptions.

This bill would permit the issuance of coupons and similar devices to be redeemed in connection with the retail sale of dairy products other than those classified as class 1, and yogurts, if all costs incurred are borne by the person issuing and redeeming the coupons and devices.

(2) Existing law authorizes the Director of Food and Agriculture to establish limitations upon the extension of credit by milk distributors to wholesale customers of milk.

This bill would repeal that authorization.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 561 (AB 725) Alatorre. Podiatry.**

Existing law permits graduate students registered with the Board of Medical Quality Assurance of the State of California who have a degree of D.S.C., doctor of podiatry or doctor of podiatric medicine, or any student of podiatry, as specified, to avail themselves of various clinical training programs and to receive compensation therefor from the applicable hospital or school

This bill, in addition, would do the following:

(1) Specify legislative findings and declarations that postgraduate clinical training positions available to graduates of California podiatry schools are inadequate and that it is in the public interest for the state to assist in increasing the number of such positions.

(2) Require the Podiatry Examining Committee to approve programs of supervised clinical residency training for persons who are applicants for or who have been issued a certificate to practice podiatry.

(3) Require the Student Aid Commission to, within their current level of appropriations, maintain statistical records of the expenditures of funds by schools of podiatric medicine for operating podiatric residency programs and require the commission to report to the Legislature no later than January 1 of each year on specified matters relating to podiatric residency programs.

**Ch. 562 (SB 1138) Greene. Unpaid wages.**

Existing law permits the Labor Commissioner to collect unpaid wages or monetary benefits on behalf of any worker, and deposit the collected moneys in the Industrial Relations Unpaid Wage Fund. If the worker or his lawful representative cannot be identified or located for a period of 7 years after the wages become payable, they escheat to the state and are deposited pursuant to the Unclaimed Property Law.

This bill would provide that whenever the balance in the Industrial Relations Unpaid Wage Fund is in excess of \$200,000, the Labor Commissioner shall transmit the excess amount to the Controller for deposit in the General Fund. If claims for wages or benefits cannot be paid because of insufficient funds in the Industrial Relations Unpaid Wage Fund, the claim would be paid from the General Fund when appropriated.

The Budget Act of 1981 (Chapter 99, Statutes of 1981), among other things, appropriates funds to the Department of Industrial Relations for enforcement and promulgation of laws relating to wages, hours, and conditions of employment, and licensing and adjudication, subject to a specified condition regarding changes in the period when funds escheat to the state from the Unpaid Wage Fund.

This bill would eliminate this condition.

This bill would take effect immediately as an urgency statute

**Ch. 563 (SB 1010) Marks. Developmental disabilities.**

(1) Existing law, in order to prevent potential conflicts of interest, prohibits the members of the governing board or program policy committee of a regional center from being an employee of a state agency, an employee or member of the state council or an area board, or an employee or member of the governing board of an entity from which the regional center purchases services.

This bill would limit the prohibition of employees of a state agency to an employee of the department or any state or local agency which provides services to a regional center client who has administrative or policymaking responsibility, or responsibility for regulation of the regional center. The bill would also prohibit any person who has a financial interest, as defined, in regional center operations from being a member of such boards or committees, except as a consumer of regional center services

(2) Under existing law, the State Council on Developmental Disabilities is required to allocate certain federal developmental disability funds. Not more than 25% may be allotted for the council's operating costs and not more than 45% may be allotted to area boards on developmental disabilities.

This bill, instead, would require allotments of the federal funds to be made to the state council for operating costs and to area boards.

(3) Under existing law, the State Department of Developmental Services is authorized to allocate funds from the Program Development Fund for specified purposes, provided the allocations are approved by the state council.

This bill would require the state council to also approve requests for proposals, in consultation with the department, as consistent with state plan priorities for program development.

(4) This bill would also authorize the Governor to appoint not more than two staff persons for the state council, upon recommendation of the executive director, who would be exempt from civil service.

**Ch. 564 (SB 911) M. Garcia Air pollution.**

Under existing law, the State Air Resources Board is required to hold a public hearing (a) prior to making a finding with respect to an action or failure to act of the South Coast Air Quality Management District and (b), with respect to all districts, prior to taking any action with respect to basinwide air pollution control plans, district programs or rules and regulations, and district enforcement activities.

This bill would require the state board to hold public hearings when adopting revisions for nonattainment area plans in order to comply with Clean Air Act requirements. The bill would require the public hearing to be held in the affected air basin, would change the notice requirements from 30 days to 45 days, and would give interested persons the right to present evidence and to question and solicit testimony from the state board at the public hearings, except that the state board would be authorized to place reasonable limits on the right to question and present testimony

The bill would apply to the executive officer of the state board when taking the above actions in a delegated capacity.

The bill would require the state board to adopt written findings, based on the record of the public hearing, which explain the action to be taken and why the state board decided to take the action.

**Ch. 565 (SB 993) Petris.** Regional park, regional park and open-space, and open-space district: incurring indebtedness: special taxes: establishment of zones.

(1) Existing law authorizes a regional park, regional park and open-space, or regional open-space district to acquire lands and facilities and incur indebtedness in connection therewith not to exceed an amount equal to the anticipated tax income for the next 4-year period except, in the case of the East Bay Regional Park District, for the next 2-year period, derived from specified sources. The incurring of indebtedness must be approved by a  $\frac{2}{3}$  vote of the board of directors.

This bill would allow a district to incur indebtedness to acquire land and facilities in an amount equal to that specified above or that anticipated during the succeeding 10-year period from a provision authorizing a district to levy a voter-approved special tax, or both. The bill would provide that if the board of directors proposes to submit a bond issue and a special tax for approval of the voters, both the tax and bond issue may be consolidated as a single proposition on the ballot if the tax and bond issue are for the same object or purpose. The bill would also reduce the approval requirement to  $\frac{2}{3}$  of the board.

(2) Existing law authorizes special districts, as defined, to impose special taxes pursuant to the provisions of Article XIII A of the California Constitution.

This bill would provide that, in exercising that authority, a regional park, regional park and open-space, or regional open-space district may establish a zone or zones and a rate of tax for each zone and would require that all revenue from a tax levied in a zone be expended in connection with land and facilities located in that zone.

(3) Existing law authorizes a district to incur indebtedness not to exceed 5% of the assessed value of property in the district.

This bill would allow a district to incur indebtedness up to 5% of the assessed value of property in a zone of the district established for the purpose of levying a specified tax to repay the indebtedness.

(4) The bill would take effect immediately as an urgency statute.

**Ch. 566 (SB 589) Rains.** Assault and battery on school grounds.

Existing law makes assault and battery, as defined, misdemeanors. If committed against a peace officer, custodial officer, or security officer in the performance of his duties, assault or battery may be punished more severely.

This bill would provide that a person who is convicted of assault or battery on school property during hours when school activities are being conducted would be required to make restitution as specified as a condition of probation unless the court concludes restitution is inappropriate.

The bill would also provide for the conditions of probation of minors who commit such an offense, as specified.

Existing law provides that a peace officer may, without a warrant, arrest a person whom he has reasonable cause to believe has committed a public offense in his presence, or whom he has reasonable cause to believe has committed a felony whether or not a felony has been committed.

This bill would permit a peace officer to arrest, without a warrant, a person who has committed assault or battery on school property whether or not in the officer's presence or a person whom the officer has reasonable cause to believe committed such an assault or battery, whether or not it has been committed.

**Ch. 567 (SB 937) Vuich.** Water rights.

(1) Existing law provides that cessation of, or reduction in, the extraction of groundwater to permit the replenishment of the groundwater by the use of water from an alternate nontributary source is a reasonable beneficial use of the groundwater and, upon filing specified reports with the State Water Resources Control Board, precludes loss of rights in groundwater under such conditions. Existing law requires the filing of the statement of such alternate use occurring prior to October 1, 1981, on or before December 31, 1981, in all counties except the Counties of San Luis Obispo, Santa Bar-

bara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, and San Bernardino, and on or before December 31 of each calendar year thereafter for the preceding water year.

This bill would instead permit any such user of water from an alternative source to file with the board, on or before December 31 of each calendar year, the statement of alternate use, for the preceding water year, and would specify that failure to file the statement would in no way affect the right of a user to claim the benefit of these provisions

(2) Under existing law, the board is required to order or deny reconsideration on a petition to reconsider its decision on an application for a permit to appropriate water within 30 days after the petition is filed

This bill would extend that period to 60 days

(3) The bill would take effect immediately as an urgency statute

#### Ch 568 (SB 254) Marks Validations

This bill would enact the Second Validating Act of 1981, which would validate the organization, boundaries, acts, proceedings, and bonds of counties, cities, and specified districts, agencies, and entities

This bill would take effect immediately as an urgency statute

#### Ch. 569 (SB 186) Stiern Average daily attendance

Under existing law, a school district is required to maintain regular day schools for 175 days in each school year or lose school apportionments for the following year

This bill would revise the penalty, as specified, for a school district which fails to maintain all of the schools of the district for the 175-day requirement

This bill would permit the Superintendent of Public Instruction with the approval of the Department of Finance, to waive strict compliance with statutes and regulations relating to attendance accounting if the noncompliance is minor or inadvertent, or both

In addition, this bill would define a day of attendance in grades 11 and 12 as 180 minutes for pupils who are also enrolled part-time in community college, state university and colleges, or University of California classes. It would require that the 180-minute day be computed and reported, for the purposes of average daily attendance, as attendance for  $\frac{3}{4}$  of the full 240-minute minimum school day.

#### Ch. 570 (AB 2200) Imbrecht Religious corporations

Existing provisions of the Nonprofit Religious Corporation Law regulate religious corporations

This bill would revise those provisions

It would permit the bylaws to provide for the removal of a director who misses a specified number of meetings.

It would eliminate provisions permitting the appointment of a provisional director by the superior court.

It would revise provisions concerning self-dealing transactions

It would revise provisions dealing with meetings of members

It would eliminate the authority of the Attorney General to petition the superior court to order a meeting or vote of members, delegates, or directors, where it is impractical or impossible for the corporation to call or conduct the meeting or vote

It would permit the articles or bylaws to authorize cumulative voting.

It would permit a religious corporation to amend its articles to change its status to a public benefit corporation.

It would make related changes.

#### Ch. 571 (SB 187) Nielsen Agricultural vocational education

Under existing law, there are no express provisions of the Education Code relating to the establishment and maintenance of a vocational education program in agriculture or the coordination of a state program in agricultural vocational education throughout the public school system.

This bill would recognize the importance of the agricultural industry to the welfare and economic stability of the state, and would declare the intention of the Legislature to provide a comprehensive vocational education program within the state school sys-

tem in order to provide a continued source of trained and qualified individuals for employment in agriculture and agribusiness and to ensure appropriate representation of racial and ethnic groups in all phases of the industry.

This bill would create within the State Department of Education an agricultural vocational education unit to assist school districts in the establishment and maintenance of educational programs, and would require a staffing level of an appropriate number of full-time employees. This bill would authorize the department to adopt rules and regulations to implement this bill, but would prohibit the rules and regulations from creating any new state mandates.

This bill would state the Legislative intent that school districts follow the guidelines set forth in this bill.

This bill would authorize the department to transfer staff presently serving in the department as full-time or part-time subject matter consultants and the program manager to fill positions created under this bill and to provide continued assistance to local school districts pending the formal approval and adoption by the Legislature of a state program for agricultural vocational education. This bill would require the department to accomplish the staffing of the agricultural vocational education unit by reassigning priorities in staff assignments within the department in a manner so that there will be no new costs to the state as a consequence.

This bill would require the Superintendent of Public Instruction to establish and convene an advisory committee comprised of agriculturists representative of various and diverse areas of the agricultural industry. The purpose of the advisory committee would be to develop and submit recommendations for state programs in agricultural vocational education, as specified, to the Legislature for review by January 1, 1983, and to the State Board of Education for approval and adoption. The advisory committee would be terminated on June 30, 1983, and would serve without compensation, including travel and per diem.

**Ch. 572 (AB 551) Katz. Robbery: controlled substances.**

Existing law provides, with specified exceptions, that robbery is punishable by imprisonment in the state prison for 2, 3, or 5 years and attempted robbery is punishable by 16 months or 2 or 3 years' imprisonment in the state prison.

Existing law requires the court in imposing felony sentences generally to impose the middle term unless there are circumstances in mitigation or aggravation to permit the imposition of the lower or upper term.

This bill would provide that robbery or attempted robbery committed against a pharmacist, pharmacy employee, or other person lawfully possessing controlled substances for the purpose of obtaining any controlled substance shall be considered a circumstance in aggravation of the crime in imposing sentence.

**Ch. 573 (SB 891) Russell. Public utilities: certificates of public convenience and necessity.**

Existing law empowers the Public Utilities Commission to order extensions, improvements, or other changes in the plant, facilities, or other property of a public utility, to order new structures to be erected, and to fix the site thereof.

It also prohibits any public utility from constructing or extending any line, plant, or system without a certificate of public convenience and necessity issued by the commission, and directs the commission to consider, among other factors, the influence on the environment of the proposed structure or line, plant, or system.

This bill would prohibit the commission's consideration of influence on the environment of a structure or a line, plant, or system located in another state when its construction or extension would be subject to the National Environmental Policy Act of 1969 or similar laws of the other state, unless emissions or discharges would have a significant influence on the environment of this state.

**Ch. 574 (AB 2084) Roos. Mobilehomes: height**

(1) Existing law prohibits a trailer coach, as defined, required to be moved under permit from exceeding 14 feet in height, measured from the surface upon which the vehicle stands.

This bill would apply that prohibition only to any mobilehome, as defined, rather than

trailer coach, and would raise that maximum to 15 feet.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 575 (AB 1709) Martinez. Motor vehicle fuel tax: local entities.

Under existing law, 3.39¢ of the 7¢ per gallon tax on motor vehicle fuel is apportioned to the counties and cities.

This bill would require that, whenever Los Angeles County elects to allocate any portion of the revenues it receives under these provisions to the cities within the county under any program in which those revenues are allocated to at least 70% of the cities, allocations be made to each city within the county on the equally weighted factors of (1) the city population and (2) the city street mileage as determined from the county master plan.

Ch. 576 (SB 192) Russell. County Employees Retirement Law of 1937: benefits.

The County Employees Retirement Law of 1937 authorizes members who are entitled to rights and benefits from two or more retirement systems to receive, among other things, disability benefits based upon service in all systems.

This bill would specify that no provision of that law shall be construed to authorize such a member to receive a combined nonservice connected disability pension in excess of what would have been received if all of the member's service has been with only one county and would require each entity to pay only a pro rata share.

Ch. 577 (SB 399) Ellis. Appropriation: payment of claims.

This bill would appropriate \$75,000 from the Motor Vehicle Account in the State Transportation Fund in augmentation of Item 819-001-001 of the 1981 Budget Act to settle the claims of the plaintiff in the action of Shanklin v. State of California.

The bill would take effect immediately as an urgency statute.

Ch. 578 (SB 513) Presley. Vital statistics: fees.

Existing law requires, in certain cases, the local registrar of births and deaths to issue a permit for disposition of human remains for a fee of \$5. Existing law requires that \$2 of such fee be transferred by the issuing registrar to the local registrar of the county where the death occurred and requires \$1 to be transferred to the State Registrar of Vital Statistics for administration purposes.

This bill would require the applicant for a permit to pay a fee of \$6 and would require that 30% of such total fee be transferred to the county and 40% of such fee be transferred to the State Registrar.

Ch. 579 (SB 685) Mello. Food stamps: claims.

Existing law does not provide that when federal law allows the state to keep a portion of recoveries from any claims under the food stamp program, the state shall keep 50% of the portion it is allowed to retain, and the other 50% shall be distributed by the State Department of Social Services to the counties, based upon the amount of claims collected by each county.

This bill would so provide.

Ch. 580 (SB 671) Dills. Air pollution: powerplants: emission regulations.

(1) Under existing law, the State Air Resources Board, under specified conditions, and the air pollution control districts may adopt rules and regulations on emissions of powerplants.

This bill would require the state board or a district to consider and adopt written findings on specified matters prior to adopting rules or regulations after January 1, 1982, which affect the operations of existing powerplants and to consider the findings in adopting the rules and regulations.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the

Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

**Ch. 581 (SB 702) Dills State Fire Marshal.**

Existing law does not require the State Fire Marshal to establish a program of fire prevention training for fire prevention inspectors employed by local fire protection agencies.

This bill would require the State Fire Marshal to establish or cause to be established such a program and would require the training program to be conducted on a regional basis located near such agencies which employ or contract with such inspectors

**Ch. 582 (SB 1032) Ells. Striped bass.**

(1) Under existing law, a sport fishing licensee who has an inland water license stamp and a trout and salmon license stamp is authorized to take all fish, including striped bass, anywhere in this state upon payment of specified fees

This bill would require a sport fishing licensee to have a striped bass stamp permanently affixed to his or her license in order to take striped bass. The stamps could be obtained for a \$3.50 fee which would be allocated for the preservation and enhancement of the striped bass fishery in California. On or before January 1, 1985, the Department of Fish and Game would be required to report to the Legislature regarding the effectiveness of this program

The bill would provide for fees which would be deposited in the Fish and Game Preservation Fund, a continuously appropriated fund

The provisions in the bill would remain in effect until January 1, 1986, and as of that date would be repealed unless a later enacted statute, chaptered before January 1, 1986, deletes or extends that date.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 583 (SB 1155) Doolittle. Contractors' license renewal.**

Existing law provides that all licenses issued under the Contractors License Law shall expire on June 30th of each odd-numbered year

This bill would, instead, provide that all licenses issued under the Contractors License Law shall expire on June 30th of each odd-numbered year or as established pursuant to Section 152.6 of the Business and Professions Code.

Existing law provides that renewal of an unexpired contractor's license shall continue the license in effect for the 2-year period ending at 12 p.m. on June 30th of the next odd-numbered year, when it shall expire if it is not again renewed.

This bill would, instead, provide that renewal of an unexpired contractor's license shall continue the license in effect for a 2-year period following the expiration date of the license, when it shall expire if it is not again renewed

**Ch. 584 (SB 466) Russell Vehicles violations: driver's licenses**

(1) Existing law provides for cancellation, suspension, or revocation of a person's driving privilege in specified circumstances by a court or by the Department of Motor Vehicles. Among other provisions, the department is authorized to suspend or revoke the driving privilege when the person's record contains notifications of 2 or more violations of a written promise to appear or a lawfully granted continuance of a promise to appear, or an order to appear in court, or to pay a fine for conviction of an infraction



Existing law authorizes a court to give notice of these violations to the department between 30 and 60 days after issuance of a warrant.

This bill would require the department to suspend the driving privilege when the person's record contains one notification of the specified violations, effective 90 days after the date of receipt by certified mail of the notice of suspension, and would provide that department may not give notice to the driver of the suspension before 60 days after receipt of the notice of violation. The bill would authorize the court to give notice of the violation to the department within 60 days of the failure to appear.

These provisions would become operative July 1, 1982.

(2) Existing law requires payment of a fee of \$6 to the department for the issuance, reissuance, or return of a driver's license which had been mandatorily suspended or revoked.

This bill would instead require payment of a fee sufficient to pay the actual costs of the issuance, reissuance, or return as determined by the department.

Ch. 585 (SB 402) Craven. Judges' Retirement System: retirement allowance.

(1) Under the Judges' Retirement Law, a disability retirement allowance ceases permanently if a retired judge engages in the practice of law or other gainful occupation while less than 70 years of age.

This bill would permit judges retired for disability prior to age 70 to engage in the practice of law or other occupation without loss of retirement allowance if their earnings do not exceed a specified amount per month. The bill would also require all compensation earned to be reported under penalty of perjury in a form and manner required by the Board of Administration of the Public Employees' Retirement System. The Employment Development Department would additionally be required to report this information to the board. The board would be required to transmit a report to the Legislature on the implementation of these provisions prior to January 1, 1987.

(2) Under that law, the retirement allowance is reduced by the amount of the salary or compensation a retired judge is entitled to as the incumbent of any public office.

This bill would reduce the retirement allowance of a judge retired for disability by the amount of the salary the judge is entitled to for a court assignment.

(3) The above provisions would be repealed on January 1, 1987, unless a later enacted statute which is chaptered before that date deletes or extends that date.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 586 (SB 255) Marks. Validations.

This bill would enact the Third Validating Act of 1981, which would validate the organization, boundaries, acts, proceedings, and bonds of counties, cities, and specified districts, agencies, and entities.

Ch. 587 (AB 1516) Imbrecht. Nonprofit corporations.

The existing Nonprofit Corporation Law contains provisions regulating nonprofit public benefit corporations, mutual benefit corporations, and religious corporations.

This bill would revise various provisions of that law.

Among other things, it would revise the definition of a member to include persons who have the right to vote for the selection of delegates.

It would permit a suit by 20 members to remove a director of a public benefit corporation and a suit by 20 members or 100 members, depending on the size of the corporation to remove a director of a mutual benefit corporation.

It would permit certain loans to officers of public benefit corporations in specified circumstances.

It would delete certain provisions applicable to public benefit and mutual benefit corporations dealing with consideration for membership.

It would require regular meetings of public benefit corporations to be held at least

in each year in which directors are to be elected at the meeting, rather than at least every third year

It would require regular meetings of mutual benefit corporations to be held as fixed in the bylaws and in any event at least in each year in which directors are to be elected at the meeting, rather than annually

It would revise provisions relating to adjournment of meetings.

It would revise provisions relating to the distribution of written material about a nominee for director by a public benefit corporation, and would revise provisions regarding periods of limitation for challenging the validity of an election, appointment, or removal of a director for a public benefit and mutual benefit corporations.

It would also change the period for setting a record date for purposes of notice of meetings from not more than 60 days prior to a meeting to not more than 90 days prior to a meeting, for public benefit and mutual benefit corporations.

It would revise various provisions dealing with mergers

It would specify that actions of a mutual benefit corporation to be taken by members may be taken without a meeting by consent of all members

The bill would eliminate requirements that a religious corporation furnish an additional copy of a certificate of amendment of its articles and that the Secretary of State forward that copy to the Attorney General

It would revise provisions relating to hospital service plans, and provisions specifically providing for intervention by the Attorney General in actions involving self-dealing transactions by hospital service plans.

Existing law provides that until December 31, 1981, the General Nonprofit Corporation Law which was in effect on December 31, 1979, applies to cooperative corporations, and on and after January 1, 1982, the new Nonprofit Mutual Benefit Corporation Law will apply to these corporations

This bill would delay the application of the new Nonprofit Mutual Benefit Corporation Law to cooperative corporations until January 1, 1983, and would provide that the former General Nonprofit Corporation Law shall apply until December 31, 1982

It would also specify that the new corporations law and nonprofit corporations law is applicable to educational corporations.

The bill would make various other changes

#### Ch. 588 (SB 39) Marks. Parole hearings

Existing law provides for 30 days' notice of a parole hearing of a person committed to state prison for a life term to be given by the Board of Prison Terms to the judge of the superior court before which the person was tried and convicted, the person's attorney, the district attorney of the county from which the person was sentenced, and the law enforcement agency which investigated the case.

This bill would add to those persons who receive notice, the next of kin of the victim of first degree murder if he or she requests notice from the board. The requester is required to apprise the board of his or her current address.

The bill would also provide for 30 days' written notice to be sent by the Youthful Offender Parole Board to the judge of the court by whom a person was committed to the Youth Authority, the person's attorney, the district attorney of the county from which the person was committed, the law enforcement agency which investigated the case, and the victim of specified forms of rape or the next of kin of the victim of a murder when a person committed to the Youth Authority for the rape or murder is to be given a parole hearing by the board. When a petition is filed by the board with the court to have such a person committed to state prison, notice would be sent by the court to the same persons except the judge of the court. The victim or next of kin would be required to request notice and to apprise the board of his or her current address

This bill would incorporate additional changes in Section 3042 of the Penal Code proposed by AB 1025, to become operative if AB 1025 and this bill are both chaptered and become effective on or before January 1, 1982, and this bill is chaptered after AB 1025.

#### Ch 589 (AB 2150) Elder Petition signatures

Existing law requires voters who sign election-related petitions or papers to affix their residence address to the petition or paper

This bill would specify that the clerk, when verifying the signature to these petitions or papers, shall determine that the residence address on the petition or paper is the same as the residence address on the affidavit of registration. If the addresses are different, or no address is specified or certain other critical information is not specified with respect to an initiative or referendum petition that signature would not be counted as valid.

Under existing law, whenever an election is consolidated with the statewide general election, nomination documents must be filed not later than the 88th day prior to the general election in the office of the county clerk.

This bill would provide that the documents must be filed as above, but with the appropriate officer, rather than with the county clerk.

Existing constitutional law requires the Legislature to adjust the boundaries of Assembly districts in the year following the year in which the national census is taken.

This bill would make certain adjustments in specified Assembly districts

#### Ch. 590 (SB 9) Keene. Elections

This bill revises the boundaries of certain congressional districts.

#### Ch. 591 (AB 13) Moorhead. Juveniles: parole hearings.

Under existing law the Youthful Offender Parole Board may grant parole to a person committed to the Youth Authority under specified conditions.

This bill would require the board to notify interested persons, as specified, of any meeting to review or consider the parole of any person over the age of 18 if the person was committed to the Youth Authority on the basis of his or her commission of any of certain designated offenses. It also would authorize such interested persons to submit a written statement to the board. It would require the presiding officer to state findings and supporting reasons for the decision of the board which would be required to be in writing and made available to the public as specified.

The bill would take effect immediately as an urgency statute.

#### Ch. 592 (SB 726) Beverly. Administrative regulations.

Existing law provides that any interested person may obtain a judicial declaration as to the validity of any regulation promulgated by a state agency by bringing an action for declaratory relief.

This bill would provide that the right to judicial determination shall not be affected by the failure to seek reconsideration before the particular state agency

Existing law provides that a regulation may be declared invalid if the court cannot find that the record of the rulemaking proceeding supports the agency's determination that the regulation is reasonably necessary to effectuate the purpose of the statute relied on as authority for the adoption of the regulation.

This bill would allow the court to invalidate a regulation if it cannot find that the record supports the agency's determination that the regulation is reasonably necessary to effectuate the purpose of the statute, court decision, or other provision of law being implemented, interpreted, or made specific by the regulation.

#### Ch. 593 (SB 1057) Ayala. Water project revenue bonds.

Under existing law, the maximum interest rate on revenue bonds issued by the Department of Water Resources for state water projects is 8½%.

This bill would, only until January 1, 1984, increase the maximum interest rate on bonds issued by the department to finance the construction or acquisition of electric power, power resources, or power facilities for the project to 12%.

The bill would go into immediate effect as an urgency statute

#### Ch. 594 (AB 580) Bane. Investments by local agencies.

Present law specifies the investments that may be made by a local agency with surplus funds. There is no express authorization for local agencies to purchase or sell futures contracts.

This bill would permit the Southern California Rapid Transit District and the San Diego Transit Corporation to purchase or sell futures contracts in heating oil on the New York Mercantile Exchange

**Ch 595 (AB 124) Nolan. Emergency vehicles: pollution control devices**

Existing law, with specified exceptions, prohibits any motor vehicle upon a highway in this state which is not equipped with motor vehicle pollution control devices specified by California law, other state law, or federal law.

This bill would exempt publicly owned authorized emergency vehicles operated by peace officers or paramedics, as defined, or used for fighting fires or responding to emergency fire calls, from requirements of California law for motor vehicle pollution control devices.

**Ch. 596 (AB 289) Papan. Fees for check selling and cashing.**

Existing law provides that no person subject to the Check Sellers and Cashers Law shall charge a fee for selling or cashing commercial paper in excess of 1% of the face amount or \$0.50, whichever is greater, unless the commercial paper presented for cashing is drawn on an out-of-state bank or is in excess of \$50, in which case the fee shall not exceed 1% of the face amount or \$1, whichever is greater.

This bill would repeal these provisions.

**Ch. 597 (SB 32) Rains. Solvang Municipal Improvement District.**

(1) Under present law, board of directors elections of the Solvang Municipal Improvement District are conducted, with respect to nomination procedures and ballot form, in accordance with previously repealed provisions governing sanitary districts.

This bill would amend such district's principal act to provide for conduct of its board elections in accordance with the Uniform District Election Law. The bill would provide for transitional appointments of board members by the district board and would expressly incorporate applicable provisions of the Elections Code on voter eligibility.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 598 (SB 67) A. Garcia. Historical buildings. access by physically handicapped.**

Existing law authorizes specified state agencies to adopt alternative rules, regulations, and standards governing the rehabilitation, preservation, restoration, or relocation of qualified historical buildings and structures, as defined, within their jurisdiction. Existing law authorizes every city or county or state agency to apply the provisions of regular building regulations or of alternative regulations, as described above, or any combination thereof, in permitting repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of a historical building or structure.

This bill would declare that, in part, the intent of these provisions is to provide reasonable availability to and usability by, the physically handicapped. It would require that the application of any appropriate alternative standards by a city or county or state agency for the provision of access to the physically handicapped or exemption from access requirements be done on a case-by-case and item-by-item basis, as specified.

It would make other technical nonsubstantive changes.

**Ch 599 (SB 73) Speraw. Vehicles: component parts: seizure**

(1) Under existing law, it is, generally, unlawful to intentionally deface, destroy, or alter the motor number or identification mark or number used for registration purposes of motor vehicles or component parts thereof. It is also unlawful for any person to knowingly buy, sell, receive, or have in his possession a vehicle or component part from which the manufacturer's serial or identification number has been removed, defaced, altered, or destroyed. When a vehicle or component part on which the identifying number has been defaced, altered, or obliterated comes into the custody of a peace officer, it is required to be destroyed, sold, or otherwise disposed of in accordance with an order of a court having jurisdiction.

Existing law also prohibits issuance of a court order providing for disposition, unless the person from whom the property was seized and all other claimants have been provided a postseizure hearing within 60 days of the seizure and that the burden of establishing that the identification number has been removed, defaced, altered, or

destroyed is on the agency which seized the property. Existing law further provides that, if the court finds at the hearing that either the identifying mark has not been removed, altered, or destroyed or that the identifying mark has been removed, altered, or destroyed but satisfactory evidence of ownership has been presented, the property shall be released to the person entitled thereto.

This bill would require any seized vehicle or component part to be returned to a good faith purchaser following presentation of satisfactory evidence of ownership and, if required, upon the assignment of an identification number by the department. The bill would provide that if, at the hearing, the evidence reveals the identification number or manufacturing number has not been removed, altered, defaced, or destroyed, the court may require the seizing agency to pay all storage and towing charges incurred.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

#### Ch. 600 (SB 271) Rains. State police

Existing law permits specified peace officers to seal off areas due to calamities such as floods, earthquakes, and explosions, for specified purposes.

This bill would add the California State Police to those peace officers permitted to exercise this authority.

Existing law provides that it is a misdemeanor while operating a motor vehicle, to flee from pursuit by specified peace officers.

This bill would provide that it would also be a misdemeanor to flee from pursuit of a California State Police officer while operating a motor vehicle.

#### Ch. 601 (SB 354) Holmdahl. Regional park district boards' compensation; group medical and dental benefits.

Under existing law, the board of directors of a regional park district may authorize each of its members to receive a per diem up to \$100 per day for each attendance at public meetings of the board, subject to a monthly maximum of \$200.

This bill would permit a board member to elect to waive the per diem.

This bill would also authorize the board to authorize each of its members not otherwise eligible for an employer-paid or partially employer-paid group medical or a group dental plan, or both, to participate in any of those plans available to permanent employees of the district on the same terms available to those district employees or on terms and conditions determined by the board. A board member electing to participate in a plan would also be authorized to elect to have the premium for the plan charged against his or her per diem.

#### Ch. 602 (SB 127) Marks. Community redevelopment housing

(1) Under existing provisions of the Community Redevelopment Law which authorize the so-called "S.B. 99 Program," redevelopment agencies may make loans to finance multifamily rental housing outside redevelopment project areas. In communities with a population of 600,000 persons or less this authorization is limited to multifamily rental housing that is restricted to occupancy by persons eligible for governmental housing assistance, as specified. In communities with a population exceeding 600,000, such housing, until January 1, 1982, may additionally be for occupancy intended primarily for persons and families of low or moderate income.

This bill would revise the above authorization to finance multifamily rental units outside a redevelopment project area in communities over 600,000 to extend the termination date of such provisions until January 1, 1983, to require projects assisted with

mortgage insurance provided under Title II of the National Housing Act to be intended solely, rather than primarily, for occupancy by persons and families of low or moderate income; multifamily rental units given "S.B. 99" financing outside a redevelopment project in such a community, and without federal mortgage insurance under Title II, would be restricted to exclusive occupancy by persons and families of low or moderate income. This bill would also revise the legislative findings and declarations in the "S.B. 99" provisions.

(2) Existing law, until July 1, 1981, also authorizes a charter city meeting specified criteria to issue not more than \$33,000,000 of revenue bonds without being subject to the limitations of preemptive state law.

This bill would eliminate the termination date.

(3) Existing law, until July 1, 1981, would authorize a city and county to issue not more than \$60,000,000 of revenue bonds, to finance residential housing under prescribed conditions which require certain percentages of lower and moderate income participants and units without being subject to the limitations of preemptive state law.

This law would eliminate the termination date, and revise the prescribed conditions to require that at least 50% of the participants in the program be lower income households, as defined, unless by a prescribed date, the city and county make a written finding that this requirement cannot be achieved for specified reasons, in which case at least 25% of the participants in the program would be required to be lower income households and to prohibit in any case participants of the program from being persons and families whose incomes are more than 150% of the area median income.

(4) Under existing law, a redevelopment agency may, within the survey area or for purposes of redevelopment, among other things, lease any real property or personal property or any interest in property.

This bill would limit that lease to a period not to exceed 99 years.

(5) This bill would take effect immediately as an urgency statute.

Ch. 603 (SB 425) Sieroty. Subdivisions: conversions of apartment buildings to condominium, community apartment, or stock cooperative projects.

Existing law prohibits the legislative body of a city or county from approving a final map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project unless it finds, among other things, that the tenants, or prospective tenants, have received a notice, containing a specified statement, generally informing them of their rights.

This bill would revise that statement and would, in addition, add certain conforming cross-references.

This bill would take effect immediately as an urgency statute.

Ch. 604 (SB 512) Rains. State boards and commissions. abolishment.

(1) Under existing law, there is a Board of Library Examiners in the state government whose duty is to pass upon the qualifications of all persons desiring to become county librarians.

This bill would abolish the board.

(2) Existing law provides for a State Council of Educational Planning and Coordination whose function is to study problems affecting the relationships between the schools of the public school system and the University of California.

This bill would abolish the council.

(3) Under existing law, there is a committee comprised of the Governor, Treasurer, and Controller whose function is to fix the rate of interest paid on registered warrants.

This bill would abolish the committee and transfer its functions to the Pooled Money Investment Board.

(4) Existing law provides for the California Design Awards which are given by the California Design Awards Committee in recognition of outstanding achievement in bettering the environment of the state.

This bill would abolish the awards and the committee.

(5) Existing law provides for an advisory committee on drug manufacturing, which advises the State Department of Health Services on all matters concerning the drug manufacturing industry for the purpose of ensuring the purity, safety, and efficacy of

drugs

This bill would abolish that committee.

(6) There is under existing law, a Scenic Highway Advisory Committee whose function is to develop a master plan for scenic highways

This bill would abolish the committee and transfer its functions to the Departmental Transportation Advisory Committee.

(7) Under existing law, the California Legislature has ratified the Colorado River Toll Bridge Compact which provides for the Colorado River Toll Bridge Authority

This bill would abolish the compact and the authority.

(8) Existing law provides for the California Commission on Interstate Co-operation, the Senate Committee on Interstate Co-operation, and the Assembly Committee on Interstate Co-operation and prescribes their related functions.

This bill would abolish the commission and the committees.

#### Ch. 605 (SB 534) Petris. Alcoholic beverages school property

Existing law prohibits the possession, consumption, sale, donation, or delivery of alcoholic beverages in or on any public schoolhouse, with specified exception. A violation of this provision constitutes a misdemeanor.

This bill would additionally exempt from the provision a public schoolhouse which is surplus school property and the grounds thereof which are leased to a general law city, as specified, to be used for community center purposes, conditioned upon no public school education being conducted thereon by either the lessor or the lessee and the property not being used by persons under 21 years of age for recreational purposes at any time during which alcoholic beverages are being sold or consumed on the premises.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch 606 (SB 553) Rains California Kiwifruit Commission.

(1) Under existing law, one of the stated purposes for the California Kiwifruit Commission is to reduce the spread between consumer cost and the price received by the producer.

This bill would repeal the above-stated purpose.

(2) Under existing law, producer members of the commission and their alternates and handler members of the commission and their alternates are required to have a financial interest in producing, or causing to be produced, kiwifruit for market.

This bill would require that any producer member or his alternate and any handler member or his alternate be an individual who has a financial interest in kiwifruit or an employee representing a producer or handler who has a financial interest in kiwifruit. The qualifications of any producer member and alternate and any handler member and alternate would have to be maintained during the entire term of office.

(3) Under existing law, no production of kiwifruit in excess of 500 pounds per year is exempt from the assessment provisions required in the act establishing the commission.

This bill would repeal the 500 pound exemption and instead provide that no production of kiwifruit is exempt from the assessment provisions when handled according to the laws relating to the commission.

(4) Under existing law, all proprietary information obtained by the commission or the Director of Food and Agriculture from producers or handlers of kiwifruit is confidential and may not be disclosed except when required in a judicial proceeding.

This bill would include all lists of producers or handlers which are in the possession of the commission or director as materials which must be kept confidential. The bill would permit any person subject to the laws relating to the commission to personally inspect any such list under specified conditions.

(5) Under existing law, the commission is required to adopt procedures for the purpose of according individuals aggrieved by its actions or determinations an informal

hearing.

This bill would require the commission to also adopt procedures for the purpose of addressing any claims made against the commission or any of its individual members.

(6) Existing law does not define the term "sale" for the purpose of regulating kiwifruit production and handling.

This bill would define "sale" to mean the point at which the producer transfers title to the kiwifruit in exchange for financial compensation or other valuable consideration and provide that a sale may occur even though the kiwifruit purchased is not placed in normal marketing channels.

(7) Existing law authorizes the commission, with the concurrence of the director, to employ a manager for the commission who serves at the pleasure of the director and the commission.

This bill would eliminate the requirement that the director concur with the commission in the selection of a manager and would eliminate the provision that the manager serves at the pleasure of the director. The bill would authorize the director to suspend or discharge the manager under specified circumstances.

(8) Existing law authorizes the Department of Finance to audit books, records, and accounts of the commission at any time.

This bill would eliminate that authority.

(9) Existing laws creating the California Kiwifruit Commission and regulating the handling and sale of kiwifruit shall remain in effect only until January 1, 1986, and as of that date are repealed.

This bill would eliminate the termination provision.

#### Ch 607 (SB 599) Speraw. Decedents' estates

Existing law generally requires the public administrator of a county to take immediate charge of the property in decedents' estates when no executor or administrator has been appointed and the property is being wasted, uncared for, or lost. Existing law authorizes a public administrator, when the total value of a decedent's estate does not exceed \$500, to administer the estate without prior court order.

This bill would authorize a public administrator to administer an estate with a total value of \$3,000 without prior court order.

Existing law requires a public administrator to keep a Register of Public Administrator in which designated information is to be entered.

This bill would repeal that provision.

Existing law provides that a charge of between \$25 and \$100 is a proper and legal charge of the estate of a ward or conservatee when administration of the estate is transferred to another person after the public guardian or public administrator has taken charge of the estate.

This bill would permit a charge of up to \$500 rather than \$100.

#### Ch 608 (SB 730) Holmdahl. Natural resources: Wildcat Canyon Regional Park, Del Valle Lake State Recreation Area, and Bear Creek Redwoods Project

(1) Chapter 809 of the Statutes of 1980 amended and supplemented the Budget Act of 1980 to appropriate \$800,000 from the State Beach, Park, Recreational, and Historical Facilities Fund of 1964 for the acquisition of lands as additions to Wildcat Canyon Regional Park, allocating \$500,000 for acquisition of the McCosker parcel and \$300,000 for acquisition of the Taylor parcel.

This bill would reallocate the amounts for those parcels to be \$545,000 for the McCosker parcel and \$255,000 for the Taylor parcel.

(2) Chapter 809 of the Statutes of 1980 appropriated \$3,500,000 from the State Parks and Recreation Fund for the acquisition of lands for the Del Valle Lake State Recreation Area and the Bear Creek Redwoods Project.

This bill would make changes and an addition to the description of lands to be acquired.

(3) The bill would take effect immediately as an urgency statute.

#### Ch 609 (SB 736) Russell. Public Employees' Retirement System generally

(1) The Public Employees' Retirement Law presently contains references to federal social security provisions and federal agencies.



This bill would revise those provisions to reflect changes in federal organization.

(2) The law presently requires the Comptroller of the University of California, as well as other agencies, to comply with a standard reporting procedure.

This bill would delete the requirement that the university submit immediate written notice to the board regarding change in the status of its members.

(3) The law presently contains numerous provisions relating to action required to be taken by local governing body by ordinance

This bill would recast the provision authorizing, under specified conditions, the adoption of a resolution, rather than an ordinance, to take the action.

(4) The law presently permits contracting agencies to elect to be subject to sick-leave service credit provisions

This bill would provide that those elections are applicable only to deaths or retirements occurring after a contract amendment effective date

(5) The law presently prohibits [, with specified exceptions]\* the employment of retired members in any capacity by an employer in service which qualifies that person for membership in the Public Employees' Retirement System

This bill would ~~instead prohibit the employment of retired members in accordance with an employment agreement which qualifies that person for membership~~ [permit that employment if it qualifies for service credit in the University of California Retirement System or the State Teachers' Retirement System]\*

(6) The law presently contains various references to the relationship of natural parents and surviving children who receive benefits

This bill would consolidate those references into a single provision

(7) The law presently requires the Workers' Compensation Appeals Board to make industrial causation determinations in disputed death benefits cases.

This bill would limit the board's jurisdiction solely to the issue of industrial causation and would prohibit the awarding of specified costs.

(8) The bill would also delete obsolete provisions and make nonsubstantive technical and clarifying corrections.

#### Ch. 610 (SB 959) Caramendi Healing arts

Existing law provides that it is unlawful for any person licensed under the healing arts division of the Business and Professions Code to offer, deliver, receive, or accept any rebate, refund, commission, preference, patronage dividend, discount, or other consideration as compensation or inducement for referring patients, clients, or customers to any person. A violation of the provision is a misdemeanor

This bill would provide, instead, that a violation of the above provision is a public offense and is punishable upon a first conviction by imprisonment in the county jail for not more than 1 year or by imprisonment in state prison or a fine not exceeding \$10,000 or by both fine and imprisonment and upon a second conviction, by imprisonment in the state prison

Existing law prohibits a licensee of the Dental Practice Act, the Medical Practice Act, and the initiative act relating to osteopaths from referring patients, clients, or customers to any clinical laboratory in which the licensee has a financial interest, as specified, unless the licensee discloses in writing the interest to the patient, client, or customer

This bill would provide, instead, that a violation of the provision is a public offense punishable upon a first conviction by imprisonment in the county jail for not more than 1 year or by imprisonment in the state prison or by a fine not exceeding \$10,000 or by both imprisonment and fine and by imprisonment in the state prison for subsequent convictions

Existing law prohibits any person licensed under the healing arts division of the Business and Professions Code, or under any initiative act referred to in that division, or any clinical laboratory from charging any patient for any clinical laboratory service not actually rendered by that person or clinical laboratory unless the patient is apprised at the time of the first charging of the name, address and charge of the clinical laboratory performing the service. The law provides that a violation of the provision is a misdemeanor which is punishable by imprisonment in the county jail for not more than 6 months or a fine not exceeding \$500 or both imprisonment and fine

This bill would provide, instead, that a violation of the provision is a public offense punishable upon a first conviction by imprisonment in the county jail for not more than

1 year or by imprisonment in the state prison or by a fine not to exceed \$10,000 or by both fine and imprisonment and upon a second conviction, by imprisonment in the state prison.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

**Ch. 611 (SB 1015) Sieroty. Competency of defendants.**

Existing law requires that a defendant who has been certified to have regained mental competency by the director of a facility or his or her conservator shall have a hearing to determine whether the person is entitled to be admitted to bail or other release status pending conclusion of the court proceedings

This bill would provide that a defendant who is not admitted to bail or other release may at the discretion of the court and upon recommendation of the director of the facility be returned to the facility of his or her original commitment or other appropriate secure facility, as specified.

**Ch 612 (AB 1693) Tucker. Local public employer-employee relations agency shop.**

(1) Existing law permits local public employees to form, join, and participate in the activities of employee organizations of their own choosing, and to refuse to do so.

This bill would allow a local public agency and an employee organization recognized as the exclusive or majority bargaining representative of the employees to negotiate an agency shop agreement, as defined, thereby removing the right of the employees to refuse to so participate. However, an employee with religious or conscientious objections to supporting employee organizations would not be required to join or financially support an employee organization when specified requirements are met, and could be required to make specified charitable contributions.

This bill would also provide procedures for rescinding an agency shop agreement by a majority vote of the employees, would specify that an agency shop agreement shall not apply to management, confidential, or supervisory employees, and would require an employee organization which has agreed to an agency shop provision to keep and make available specified financial records

(2) Existing law permits employees of a county employing more than 20,000 persons, and employees of a local public agency upon approval of the governing body, to authorize deductions from their salaries for the payments of dues in, or services provided by, any bona fide association meeting specified requirements

This bill would, in addition, provide that employees of a local public agency employing more than 20,000 persons, other than a city and county, may authorize dues deductions for membership in an ethnic employee organization operating within the local public agency prior to January 1, 1981, which includes ethnic minority employees and which has as its primary purpose representing those employees in their employment civil rights with the employer

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(4) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

**Ch. 613 (SB 1060) Davis. Dentistry**

Existing law specifies various acts which if committed by a licensed dentist constitute unprofessional conduct for which a licensee may have his or her license revoked or suspended or be reprimanded or be placed on probation. One such act is the aiding or abetting of a licensed person to practice dentistry unlawfully.

This bill would include within the acts which constitute unprofessional conduct the aiding or abetting of a licensed dentist or dental auxiliary to practice dentistry in a negligent or incompetent manner.

**Ch. 614 (SB 1073) Johnson. Town lands**

(1) Under Chapter 523 of the Statutes of 1867-1868, the superior court judge of a county is required to perform various duties and functions with respect to townsites acquired from the federal government under an act of Congress.

Chapter 523 requires a plat of the township to be made in accordance with specified provisions. This bill would instead require the plat to conform to specified provisions of the Subdivision Map Act.

(2) Under Chapter 523, the superior court judge is required to rate each lot or parcel in the township according to its size and whether or not improved and to assess specified amounts on each parcel for specified costs.

This bill would, instead, require the judge to assess each parcel, based upon acreage, a sum sufficient to reimburse that parcel's pro rata share of those costs.

(3) Under Chapter 523, if the assessments by the judge are insufficient, the judge may make an additional pro rata assessment against each parcel or lot which may be paid at the time of the assessment or at the time a deed to the parcel or lot is transferred to its claimant.

This bill would require the land's claimant or claimants to pay the additional assessment at the time the assessment is made by the judge.

(4) Chapter 523 contains special provisions regarding mining claims and lands on which gold has been discovered.

This bill would eliminate those special provisions. The bill would also provide that nothing in the act abridges the rights of use granted by the United States to the owner of any unpatented mining claim in the townsite boundary and maintained in continuous occupancy since prior to the conveyance of the townsite patent from the United States to the superior court judge.

(5) Chapter 523 provides specified amounts for compensating the superior court judge for his duties and expenses. The law also requires all moneys required to be paid under the act to be paid in gold and silver coin.

This bill would eliminate those provisions.

(6) Chapter 523 provides a 6-year period for instituting contests against actions under the act.

This bill would delete those provisions.

(7) Chapter 523 requires all money required to be paid, except as specified, to be paid in gold and silver coin.

This bill would delete that requirement.

(8) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(9) The bill would take effect as an urgency statute.

**Ch 615 (SB 1211) Beverly. Reassessment changes in ownership of property**

Existing law provides for assessing real property when changes of ownership occur.

This bill would provide that any transfer of property or an interest therein between a corporation sole, a religious corporation, a public benefit corporation, and a holding corporation holding title for the benefit of any of the aforementioned corporations, or any combination thereof, would not be considered a change in ownership for reassessment purposes, provided that both the transferee and transferor are regulated by laws, rules, regulations, or canons of the same religious denomination.

This bill would also incorporate additional changes in Section 62 of the Revenue and

Taxation Code proposed by AB 152, if both bills are chaptered and this bill is chaptered last.

The bill would take effect immediately as an urgency statute.

Ch 616 (AB 183) McAlister Military service- public employees.

(1) Federal law requires that public employers provide their employees an unpaid leave of absence for purposes of meeting both active and inactive duty military obligations. Existing state law provides for a military leave of absence for active duty obligations, but denies a military leave of absence for inactive duty such as scheduled reserve drill periods. As to state civil service employees, existing state law requires inactive duty obligations to be performed on the employee's own free time, overtime, or vacation time, provided the employer makes, upon request, every attempt to arrange the employee's schedule to avoid the necessity of the employee using vacation or overtime. Existing state law also provides up to 30 days pay per year for military leaves of absence, with certain conditions.

This bill would revise these provisions to authorize a military leave of absence for both inactive and active duty military obligations as provided by federal law, and provide that the pay provisions apply only in the case of active duty and are not required to apply in the case of inactive duty such as drills. It would delete the provisions stating that nothing shall prevent an employee from using his own free time, vacation, or overtime to attend drills or perform other inactive duty reserve obligations and that, upon request by the employee with 5 days' notice, the employer shall make every attempt to change the employee's schedule to avoid having to use vacation or overtime, but would provide instead that state civil service employees may elect to use vacation time or accumulated compensatory time off to attend drills or perform other inactive duty reserve obligations. The bill would also state that it is the intent of the Legislature to comply with the requirements of federal law in this regard.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 617 (AB 275) Kapiloff. Public records.

(1) Existing law does not require the publication of a list of names of those motels and hotels which do not meet minimum fire safety regulations.

This bill would require the State Fire Marshal to identify certain fire safety regulations and would require local fire enforcing agencies to compile a list of hotels, motels and public accommodations and high rise structures which do not meet those regulations. The bill would require local fire enforcing agencies to publish such a list with respect to those structures in their jurisdictions which do not meet such standards and notify the owners and operators of the noncompliance. The bill would also require the owner to post the notice of nonconformance in each listed structure.

The bill would state the legislative findings and declarations that the purpose of the bill is not to mandate inspections but to require the reporting of fire inspections that are made.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, 6 years after their effective date, the provisions contained in the bill for which state reimbursement is required.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

**Ch 618 (AB 473) Bates. Juvenile facilities.**

Existing law requires state and local juvenile facilities to offer and provide females confined therein with information and education regarding birth control measures and family planning services.

This bill would require that the above services be made available to both male and female juveniles

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

**Ch. 619 (AB 634) Moore. Minors' adoption**

Under existing law the parent or parents of a child may relinquish his or her child for adoption to an organization licensed by the State Department of Social Services, or to the department itself, to find homes for children and place children in homes for adoption. Aid in the form of AFDC-FC is provided for such a child if the child was receiving aid at the time the relinquishment was taken.

This bill would provide that aid shall be given to such a child as of the time of relinquishment, regardless of whether or not the child was receiving aid at the time of relinquishment.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

**Ch 620 (AB 795) Vicencia. Milk cases**

(1) Existing law permits any person or association that is generally engaged in producing or selling milk in containers which are marked or identified with the person or association or are marked with a name, word, mark, or device to register the name, word, mark, or device as a brand with the Department of Food and Agriculture along with a fee of \$10 for each separate brand.

This bill would require any person or association located in California that is generally engaged in producing or selling milk in a milk case, as defined, to register the name, word, mark, or device used on the milk case as a brand with the department along with the \$10 fee. The bill would also require any distributor in possession of a milk case having another distributor's registration to notify the registered owner and make the case available for pickup, upon a specified condition.

(2) The bill would make an appropriation from the Department of Food and Agriculture Fund, a continuously appropriated fund, by increasing the fees paid into that fund.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement

is required by this act pursuant to those provisions for a specified reason.

**Ch. 621 (AB 845) Moorhead. Healing arts.**

Existing law does not authorize registered nurses to form professional corporations and to render nursing services in the name of a corporation.

This bill would authorize registered nurses to form professional corporations and render nursing services.

Existing law authorizes (1) podiatrists, psychologists, and registered nurses to be shareholders in a medical corporation, (2) physicians and surgeons to be shareholders in a podiatry corporation, (3) physicians and surgeons to be shareholders in a psychological corporation.

This bill would allow physicians and surgeons, podiatrists, psychologists, registered nurses, and optometrists to be shareholders in a medical corporation, podiatry corporation, psychology corporation or a nursing corporation.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 622 (AB 897) Thurman. Nursery stock: labeling and grading.**

(1) Existing law regulates the required labeling and grading of nursery stock.

This bill would add definitions for the terms "botanical name," "cultivar name," "blend," "mixture," "sod," and "turf" for the purposes of that law. The bill would also revise and recast labeling requirements, and prescribe requirements for showing the correct name for specified categories of nursery stock.

The bill would also require that whenever nursery stock is shipped, delivered, or transported to any purchaser, each plant shall be individually labeled as to the correct name, as specified.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 623 (AB 1147) Young. Health planning.**

Under present law relating to health planning, the Office of Statewide Health Planning and Development is required to issue a certificate of need before certain projects can be undertaken. Existing law provides a prescribed criteria and process for certificate of need approval and presently does not differentiate among various types of projects.

This bill would provide for different procedures and criteria to be used by the office where certificate of need approval is sought for projects not directly related to patient care, as defined.

The bill would require the Director of the Office of Statewide Health Planning and Development to consider only financial feasibility, effect on patient charges, expected utilization, compliance with applicable laws and regulations, benefit to the population to be served, availability of equally desirable less costly alternatives to the project, and the effect of the project upon the indigent population of the area served.

The bill would revise certain procedural requirements relating to notification of intent to apply for a certificate of need and completed applications for certification of need for projects not directly related to patient care. The bill would also revise the procedures relating to a hearing in the course of a review by the office for approval unless (1) requested by an affected person within 30 days, as prescribed, (2) requested by the appropriate area agency within 45 calendar days, or (3) ordered by the office within 60 days, as specified.

**Ch. 624 (AB 1773) McAlister. Escrow agents.**

Existing law requires licensed escrow agents to pay their pro rata share of certain costs and expenses to the Commissioner of Corporations for administrative purposes. The pro rata share is defined as the proportion which a licensee's gross income bears to the aggregate gross income of all licensees as compiled by the commissioner.

This bill would specify that the pro rata share be defined as the proportion which a licensee's gross income from escrow operations bears to the aggregate gross income from escrow operations of all licensees as compiled by the commissioner.

This bill would take effect immediately as an urgency statute.

**Ch. 625 (AB 1747) Harris. Fair employment and housing.**

(1) Existing law provides for the Fair Employment and Housing Commission in the Department of Fair Employment and Housing.

This bill would instead provide for the commission in the State and Consumer Services Agency.

(2) Existing law permits the commission to adopt, promulgate, amend, and rescind suitable rules, regulations, and standards to interpret, implement, and apply specified provisions relating to unlawful employment practices, affirmative action, public works contracts, discrimination in housing, and affirmative action in housing.

This bill would instead permit the commission to adopt, promulgate, amend, and rescind suitable rules, regulations, and standards to interpret, implement, and apply all provisions of the California Fair Employment and Housing Act.

(3) Existing law permits the commission to establish a system of published opinions to serve as precedent in interpreting and applying specified provisions relating to employment discrimination.

This bill would instead permit the commission to establish a system of published opinions to serve as precedent in interpreting and applying all provisions of the California Fair Employment and Housing Act.

(4) Existing law provides that the age limitations of the apprenticeship programs in which the state participates shall not be deemed to violate provisions making it an unlawful employment practice for an employer to discriminate in employment against any individual over the age of 40 on the ground of age.

This bill would repeal this provision.

(5) Existing law provides that complaints alleging discrimination against any person in the selection or training of that person in any apprenticeship training program because of specified factors shall be filed with the commission, and the commission shall immediately send a copy of the complaint to the Administrator of Apprenticeship for investigation and action by the Division of Apprenticeship Standards pursuant to specified procedures.

This bill would repeal these provisions.

**Ch. 626 (AB 1519) Duffy. Schools: school buildings.**

Under current law, there are no specific provisions relating to the retrofitting of school buildings for purposes of energy conservation.

This bill would establish the intent of the Legislature to encourage school districts and community college districts to retrofit school buildings for energy conservation purposes. It would permit school and community college districts to borrow funds for this purpose, from a state or federally regulated financial institution. This bill would require, to the extent that these services are available, the conducting of a preaudit and postaudit of school buildings, as specified. This bill would require that school districts acting under these provisions contract with qualified businesses capable of retrofitting school buildings.

**Ch. 627 (AB 1446) Moore. Schools: proficiency standards and assessments.**

(1) Existing law prohibits a pupil who was enrolled in the 9th grade during the 1977-78 school year, or subsequent thereto, from receiving a high school diploma unless the student satisfies the proficiency standards prescribed by the governing board of the school district. Existing law also requires that the parent or guardian of a pupil not demonstrating sufficient progress be informed of the instructional program which shall be provided to assist the pupil to master basic skills.

This bill would require that a school district's standards shall be directly related to the district's instructional program.

This bill would prohibit pupils from receiving a diploma only when the school district in which the pupil is assessed has developed and made available to the pupil remedial instruction programs in basic skills for at least 2 consecutive sessions, as defined.

This bill would provide that any pupil who is denied a diploma because he or she did not pass the required proficiency examination in the district he or she last attended, shall be awarded a diploma, without taking additional coursework, if the pupil later passes that district's proficiency examination, and meets all other graduation requirements.

(2) Existing law provides that when any pupil demonstrates the proficiency level in basic skills which meet high school graduation standards, the pupil need not be reassessed.

This bill would provide that once a pupil, who is in the 12th grade, achieves this level of proficiency, he or she shall not be reassessed, for purposes of eligibility to receive a high school diploma, by any school district. It would permit school districts to grant reciprocity of proficiency assessment results from another district for students in grades other than 12th grade who have transferred from that district.

(3) Existing law requires the principal of a school to arrange a conference, as specified, with the parent or guardian of any pupil who does not demonstrate sufficient progress towards meeting prescribed proficiency standards in basic skills upon exit from the 6th, 8th, or 12th grade. The parent or guardian shall be sent a written notice about the conference, and if the parent or guardian does not respond, the school is required to make a reasonable effort to contact him or her by other means.

This bill would require that the parent or guardian of a pupil in grades 9 to 12 who receives such a notice also be informed in the notice that the pupil shall not receive a high school diploma unless prescribed standards are met. If the parent or guardian does not respond to the notice, this bill would require the reasonable effort to contact him or her be made within 10 days of the scheduled conference.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(6) This bill would take effect immediately as an urgency statute.

Ch. 628 (AB 1079) Floyd Business and professions.

Under existing statutory law, the Director of Consumer Affairs, upon receipt of a complaint against a licensee, may notify the licensee and request relief for the consumer or may transmit the complaint to an appropriate enforcement or regulatory agency. Under existing decisional law, the disclosure of a consumer complaint to a licensee may result in its being classified a public record and thus being open to inspection by the public. More particularly, under existing statutory law, the Contractors' State License Board is prohibited from making public disclosure of complaints against a licensee except pursuant to a uniform policy, if adopted by the Department of Consumer Affairs as specified, which is applicable to all boards and agencies within the department.

This bill would provide that notwithstanding the latter law prohibiting public disclosure of complaints except as specified, or any other provision of law, the board shall not be precluded from disclosing to the public general information regarding complaints filed against a licensee, as defined. This bill would also set forth various authorizations and prohibitions relating to the disclosure of specified information regarding (1) complaints filed against a licensee, (2) citations issued to a licensee, and (3) disciplinary actions filed against a licensee, as specified. The bill would provide that nothing in its provisions shall be construed to limit any right provided under the California Public Records Act.



This bill would require the Legislative Analyst, in cooperation with the Contractors' State License Board and the Department of Consumer Affairs, to report to the Legislature on the effectiveness of the act, not later than January 1, 1984.

This bill would provide that its provisions shall remain in effect only until July 1, 1984, and as of that date are repealed, unless a later enacted statute, which is chaptered before July 1, 1984, deletes or extends that date.

This bill would take effect immediately as an urgency statute.

#### Ch. 629 (AB 1980) Moorhead. Physical therapy

Existing law provides that an applicant for a physical therapy license whose application is based on a diploma issued by a foreign physical therapy school shall, among other things, furnish evidence of completion in a physical therapy school or schools of a resident course of professional instruction equivalent to the educational requirements specified for other applicants for a physical therapist license.

This bill would instead provide that an applicant from a foreign school shall furnish evidence of completion of a physical therapy education program which course of study shall have entitled the applicant to practice physical therapy in the country where the diploma was issued and shall include specified courses.

Existing law specifies the educational requirements for applicants for licensure as physical therapists.

This bill would revise those requirements by (1) deleting a requirement that applicants are to have a high school diploma or its equivalent, (2) deleting the graduation from a school of nursing or school of physical education or having 2 years of other college training requirement, (3) adding a requirement that applicants are to have 4 years postsecondary education, (4) requiring 1,400 hours, rather than 1,200 hours, of professional education in physical therapy, and (5) revising the subjects and qualifications of instructors for professional education in physical therapy.

The bill would make other technical, nonsubstantive changes.

#### Ch. 630 (AB 2048) Johnston. Water facilities improvement act.

Under existing law, there are no provisions which permit the preliminary steps of a proposal for a water supply system or sanitary sewers and facilities to be deemed, by themselves, to be improvements under the Improvement Act of 1911 or the Municipal Improvement Act of 1913.

This bill would permit the preliminary steps of such a proposal, including, but not limited to, environmental impact reports, feasibility studies, engineering plans, cost estimates, legal expenses, and elections to be deemed, at the legislative body's discretion, to be improvements under the Improvement Act of 1911 or the Municipal Improvement Act of 1913.

The bill would permit the legislative body to secure the approval of the owners of land for any such improvement through an election to be conducted as prescribed, and would specify related matters. The bill would declare legislative intent in this connection.

The bill would take effect immediately as an urgency statute.

#### Ch. 631 (AB 2040) Vicencia. Horseracing.

Existing Horse Racing Law requires any association conducting a thoroughbred racing meeting at which the total amount handled in parimutuel pools exceeds \$20,000,000 to pay the horsemen's organization [contracting with the association to conduct the racing meeting]\* an amount equivalent to 1% of the portion deducted for purses for [administrative expense and services rendered to horsemen and an additional 1% for]\* a pension plan for backstretch personnel.

This bill would instead require any association, other than a fair, which conducts a [thoroughbred racing]\* meeting to make the [above]\* payments to [that]\* a horsemen's organization and would increase the above 1% payment to a horsemen's organization [for administrative expense and services rendered to horsemen]\* to 1.5%.

#### Ch. 632 (AB 1174) Bane. Savings and loan associations.

Under existing law, an obligation for the payment of money is extinguished by a due offer of payment if the amount is immediately deposited in the name of the creditor, with a reputable bank of deposit in the state, and the creditor is given notice of this

action

This bill would provide that the amount due may also be deposited with a reputable savings and loan association in the state for the purpose of extinguishing an obligation for the payment of money.

Existing law does not specifically provide for the preauthorized withdrawal and transfer of a depositor's funds by a savings and loan association

This bill would provide that preauthorized withdrawals and transfers of funds may be made by a savings and loan association from one of the depositor's accounts to another of his or her accounts maintained by the association, to a third person, or to the association itself.

Under the existing Savings and Loan Association Law, investment certificates issued after August 14, 1931, are subject to redemption at the option of the association, by giving the holder at least 30 days' notice of the intended redemption. Fixed-rate, fixed-term certificates, however, are not subject to redemption.

This bill would instead provide that investment certificates issued after August 14, 1931, which do not provide for a fixed-term or maturity are not subject to redemption, except as otherwise specified in the certificate.

Under existing law a savings and loan association is authorized to invest in, hold, buy, and sell capital stock, obligations, or other securities of service corporations subject to the regulations of the Commissioner of Savings and Loan and specified limitations, to the extent that the aggregate outstanding investment of an association does not exceed 3% of the then total assets of the association. The investment of 2% of an association's assets in service corporations is conditioned upon its use to acquire, construct, repair and rehabilitate properties to be occupied by low- and moderate-income families, to make secured real property loans to these families, to develop projects designed to improve housing conditions and provide certain services for members of low- or moderate-income families, and to invest in securities backed by first mortgages on first deeds of trust on California residential improved real property and guaranteed by the Government National Mortgage Association (GNMA). The latter type of investment in securities backed by mortgages or deeds of trust on California residential real property and guaranteed by the GNMA, however, may not exceed 1% of an association's assets unless these investments also benefit low- and moderate-income families, as specified.

This bill would instead provide that a savings and loan association is authorized to invest in the capital stock, obligations, or other securities of service corporations, subject to the regulations of the commissioner, if its aggregate outstanding investment does not exceed 4% of its assets. The bill would further provide that any investment in excess of 2% of the association's assets would be required to either serve primarily community, inner-city, or community development purposes, as specified, or be made in securities backed by first mortgages or first deeds of trust on residential real property, up to a maximum of 1% of the association's total assets unless it otherwise serves community or inner-city purposes.

[Existing law prohibits a savings and loan association from entering into or assuming leases providing in the aggregate for yearly rental payments in excess of 5% of the difference between its statutory net worth and any amount invested in real property, as specified, without the approval of  $\frac{2}{3}$  of the directors and the written approval of the commissioner.

This bill would instead provide that a savings and loan association is prohibited from entering into or assuming leases providing in the aggregate for yearly rental payments in excess of 10% of its statutory net worth without such approval.]\*

Existing law provides that, subject to the rules and regulations of the Savings and Loan Commissioner, an association is authorized to invest an amount not in excess of 2% of its total assets in loans, advances of credit, and interests therein, secured by commercial real property which are not otherwise authorized.

This bill would permit a savings and loan association to make these investments in an amount not in excess of 5% of its total assets.

Existing law prohibits a savings and loan association from making any one loan in an amount exceeding \$125,000 principal if the loan exceeds 1% of the book value of the association's assets unless consent is obtained from the Savings and Loan Commissioner.

This bill would prohibit a savings and loan association from making any one loan in an amount exceeding \$200,000 principal if the loan exceeds 1% of the book value of the

association's assets, unless the commissioner's consent is obtained.

Existing law provides that a savings and loan association is limited in exercising any setoff for a debt owed by a customer in that such a setoff may not result in an aggregate balance of less than \$1,000 for all deposit accounts maintained by a customer with the association or any branch thereof. Deposit accounts include investment certificates, share accounts and withdrawable shares.

This bill would provide that such a setoff shall not result in a balance of less than \$1,000 for all demand deposit accounts maintained by the customer with the association or any branch thereof. The bill would further provide that for the purposes of these setoff provisions, "debt" does not mean a charge for an overdraft account imposed on a deposit account by an association.

Under existing law, a savings and loan association is required to prescribe by its bylaws or by contract with its shareholders or certificate holders the period of notice of intention to withdraw. In the case of all shares or investment certificates issued after September 15, 1945, the period of notice of intention to withdraw is required to be 6 months.

This bill would eliminate this prescribed period of notice of intention to withdraw for shares or investment certificates issued after September 15, 1945.

This bill would also provide that no notice of intention to withdraw shall be required for shares or investment certificates providing for a fixed term or maturity, except as otherwise provided in the bylaws or by contract.

Existing law provides that a savings and loan association which fails to furnish any report to the commissioner which is required by the Savings and Loan Law within 30 days after demand shall forfeit \$10 per day for each day the report is delayed or withheld.

This bill would provide that if a savings and loan association fails to furnish any report to the commissioner which is required by the Savings and Loan Law within the time specified by statute or by the commissioner, the association may be assessed \$100 per day for each additional day the report is delayed or withheld.

Existing law provides that for each application of an association for merger, consolidation, or transfer requiring the approval of the Savings and Loan Commissioner, a filing fee of \$750 is required to be paid to the commissioner.

This bill would eliminate the requirement of a \$750 filing fee and would provide instead, that a filing fee in an amount prescribed by the commissioner by regulation is required to be paid to the commissioner for each application for merger, consolidation, or transfer requiring the commissioner's approval.

Existing law requires that funds received by insurance licensees who act in specified fiduciary capacities which are not remitted to the person or insurer entitled thereto or maintained in a separate bank account, are required to be maintained in United States bonds and treasury certificates or in certificates of deposit of banks licensed by any state government within the United States or the United States government, or in other obligations, as specified.

This bill would provide that such fiduciary funds may also be maintained in certificates of deposit of savings and loan associations licensed by any state government within the United States or by the United States government.

This bill would also require state or federal savings and loan associations to maintain evidence of these funds on California business in a separate custodian or trust account in the state, in specified amounts.

Existing law provides that all moneys collected by the Savings and Loan Commissioner, with certain exceptions, is to be deposited with the State Treasurer to the credit of the Savings and Loan Inspection Fund which is to be used to defray the salaries and expenses provided for in the Savings and Loan Law.

This bill would increase certain penalties which would be collected by the commissioner thereby increasing revenues to be deposited in the Savings and Loan Inspection Fund.

This bill would take effect immediately as an urgency statute.

Ch 633 (AB 1496) Bane. Savings and loan associations investment in real property

Existing law permits a savings and loan association to invest in real property, subject to specified limitations. These investments in addition to certain real property loans made by the association which do not qualify as original loans under general provisions

of the Savings and Loan Association Law, may not at any one time aggregate more than the lesser of 5% of the association's total assets or its statutory net worth.

This bill would provide instead that these investments and loans may not at any one time aggregate more than 10% of the savings and loan association's total assets whether or not, in the case of these loans, they would otherwise qualify as original loans under those general provisions. The bill would also provide that, notwithstanding these limitations, an association may invest an additional 2% of its assets in developing real property if the property is or will be improved, as specified.

Ch. 634 (AB 946) Farr. Commercial fishing: crew share.

(1) Under existing law, the Department of Fish and Game is required to seize all birds, mammals, fish, reptiles, or amphibia which have been taken, possessed, sold, or transported contrary to any of the laws of this state. Existing law also requires that the items seized be sold under specified conditions and the proceeds deposited in the Fish and Game Preservation Fund on conviction.

This bill would require, if the conviction involves a law relating to the commercial taking, possession, or transportation of fish and the violation involves a vessel operating under a crew sharing agreement, as defined, the court to determine and order the crew's share of the proceeds generated from the seizure of the fish to be paid to members of the crew, as specified.

(2) The bill would require the department to submit a report to the Legislature by January 1, 1984, containing specified information regarding the effect of these and other related provisions of the Fish and Game Code.

(3) The act would remain in effect only until January 1, 1985, unless a later enacted statute deletes or extends that date.

(4) The bill would make an appropriation by authorizing payments to be made from the Fish and Game Preservation Fund, a continuously appropriated fund.

Ch. 635 (AB 1129) Bates. Health: seasonal agricultural and migratory workers

Existing law authorizes the State Department of Health Services to maintain a program for seasonal agricultural and migratory workers and their families consisting of prescribed elements and authorizes the department to contract and cooperate with local governmental agencies and voluntary nonprofit organizations in connection with the development of local health programs for such workers and their families.

This bill would, instead, require the department to maintain such a program and to contract and cooperate with local governmental agencies and nonprofit organizations in connection with the development of local health programs for such workers and their families.

Ch. 636 (AB 849) Elder. Motor vehicle registration and licensing.

(1) Existing law requires the Department of Motor Vehicles to issue a registration certificate of a distinctive color and license plates when it is not satisfied as to the ownership of the vehicle registered or the existence of foreign liens on it.

This bill would require, instead, the issuance of a distinctive registration card and appropriate license plates

(2) Existing law permits the department to refuse registration or the renewal or transfer of registration if, among other reasons, the department is satisfied that the applicant is not entitled to it

This bill would, instead, permit refusal if the department is not satisfied that the applicant is entitled to it.

(3) Existing law permits registration of commercial vehicles on a quarterly period, or for a partial period of 3 months or more irrespective of calendar quarters, and for renewals thereof.

This bill would, instead, permit registration of commercial vehicles for a partial period of 1 month or more, and provide for proration of the weight fees for the partial year period, renewal of the registration, and penalties for late registration or renewal. It would require that an application for partial year registration or renewal for less than 3 months be made prior to the date the vehicle is first operated, moved, or left standing on the highways, and would authorize an application for partial year registration or renewal for 3 months or more to be made after, but within 20 days of, the date the vehicle

is first operated, moved, or left standing on the highways.

Ch. 637 (AB 836) Campbell School employees: teacher education.

Under existing law, the Commission for Teacher Preparation and Licensing may approve an institution of higher education to recommend that its students be issued teaching credentials in California if that institution's teacher education program meets standards prescribed by the commission.

This bill would authorize the commission to approve for credit coursework for the purposes of obtaining credentials or step increases completed in programs offered in California by an accredited out-of-state institution only if the institution is regionally accredited and if the institution submits a satisfactory evaluation by the regional accrediting body and the Western Association of Schools and Colleges.

Ch. 638 (AB 600) Hughes CSUC name change.

Under present law there exists a system of public higher education in California denoted the California State University and Colleges, governed by a board called the Trustees of the California State University and Colleges, and having an executive officer called the Chancellor of the California State University and Colleges.

This bill would delete the words "and Colleges" from these titles, thus changing the names of the California State University and Colleges, the Trustees of the California State University and Colleges, and the Chancellor of the California State University and Colleges to the California State University, the Trustees of the California State University, and the Chancellor of the California State University, respectively.

This bill would also provide that, notwithstanding the name change of the system, the term "university" could be used in the name of a particular institution only after the institution meets specified requirements.

Ch. 639 (AB 574) Hart. California National Guard: museum; training institute.

(1) Existing law does not provide for the establishment or operation of a military museum by the California National Guard.

This bill would authorize the Commanding General of the State Military Forces to establish a California National Guard military museum and resource center, to accept donations of money or property for this purpose, and to dispose of property excess to the needs of the museum.

The bill would also make a related change.

(2) Existing law does not provide for the establishment or operation by the commanding general of an organization to provide training to state agencies and local governments in planning and preparation for disasters.

This bill would establish within the office of the commanding general the California Specialized Training Institute for this purpose, and would authorize its use of an armory, camp, or other facility under the jurisdiction of the commanding general. It would authorize the commanding general to solicit and receive funds, property, and weapons for use by the institute, and would direct that any moneys received from charges or fees imposed in connection with the operation of the institute be deposited in the General Fund.

Ch. 640 (AB 333) Vicencia. General services: exempt transactions.

Existing law allows the Director of General Services to exempt from his approval, when appropriate, certain transactions involving not more than \$25,000. Written notice of the exemptions must be given to the Controller.

This bill would raise the exemption amount to \$50,000.

Ch. 641 (AB 1920) Floyd County Employees Retirement Law of 1937, generally.

(1) The County Employees Retirement Law of 1937 presently prescribes the eligibility of various fire employees for increased safety retirement benefits.

This bill would include the term "firefighters" in those provisions and would state that the change shall not entitle any person to any new benefits.

(2) Existing law requires elected officials in specified counties to be retired at the end of the first term after attaining age 70.

This bill would repeal that provision.

**Ch 642 (AB 730) Filante** Marin County Transit District. transactions and use tax  
Existing law authorizes the Marin County Transit District to impose a transactions and use tax under the Transactions and Use Tax Law at the rate of  $\frac{1}{2}$  of 1% under specified conditions.

This bill would, under the same specified conditions, authorize the district to also impose the taxes at a lower rate.

**Ch. 643 (AB 1488) Baker.** Schools: sale or lease of surplus property.

(1) Existing law provides a system for the sale and lease with option to purchase of surplus school property by the governing board of a school district. Under this system, the property must be offered for sale or lease according to specified priorities. The second priority, includes among other entities, specified nonprofit charitable corporations existing on December 31, 1979, or nonprofit public benefit corporation organized after January 1, 1980. It provides that if more than 1 entity in the second priority makes an offer, the governing board may determine which offer to accept.

This bill would provide that any charitable corporation determined by the Secretary of State to be a public benefit corporation under Part 2 (commencing with Section 5110) of Division 2 of the Title 1 of the Corporations Code shall qualify as an entity under the second priority.

This bill would require the governing board to accept the highest offer if more than 1 second priority entity makes an offer to buy or lease the property. If more than 1 entity makes the same offer, which is also the highest offer, this bill would require the governing board to seek a higher offer from these entities. If no additional higher offer is made, it would permit the governing board to determine which of the original highest offers to accept. It would also require the board to accept oral bids, as specified.

This bill would make technical changes.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

**Ch 644 (AB 1409) Baker.** Peace officers.

(1) Under existing law, it is a misdemeanor to willfully fail to refuse to comply with a lawful order, signal, or direction of any traffic officer, defined to be a member of the California Highway Patrol or any peace officer who is on duty for the exclusive or main purpose of enforcing Divisions 10 and 11 of the Vehicle Code, which relate to accidents and accident reporting and rules of the road.

This bill would make it a misdemeanor to willfully fail or refuse to comply with a lawful order, signal, or direction of any peace officer who is in uniform and is performing duties under any provision of the Vehicle Code.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 645 (AB 1401) Baker.** Crime and punishment

Under existing law, the Youthful Offender Parole Board may grant parole to a person committed to the Department of the Youth Authority under specified conditions.

This bill would require the board to notify interested persons, as specified, of any meeting to review or consider the parole of any person under the age of 18 if the person was committed to the Department of the Youth Authority on the basis of his or her

commission of any of certain designated offenses. It also would authorize such interested persons to submit a written statement to the board

**Ch. 646 (AB 2215) Campbell. Contra Costa County: employees.**

Existing law authorizes counties to adopt ordinances establishing a civil service system for county employees and appointed county officers.

The law prescribes various provisions to be included in a county civil service system concerning dismissal, suspension, or reduction in rank or compensation of officers and employees, including specific procedures for appeal

This bill would allow Contra Costa County, as an alternative to following the prescribed appeal procedures, to provide, by ordinance or resolution of the board of supervisors, that an officer or employee who is dismissed, suspended, or reduced in rank or compensation may elect to appeal such action under grievance procedures, which may include final binding arbitration

**Ch. 647 (AB 2181) Young. Insurance.**

Existing law provides that whenever an insurer rejects, declines, cancels, or surrenders a policy of insurance the unearned premium shall be tendered to the insured.

This bill would include, within such provision, endorsement of a policy of insurance by an insurer ; ~~and would require instead the unearned premium to be tendered to the insured\*~~

Existing law permits an insurer and any named insurer to delete uninsured motorist coverage completely or with respect to a natural person or persons designated by name ~~and [when]\*~~ operating a motor vehicle.

This bill would instead provide that such coverage may be deleted completely or when a motor vehicle is operated by a natural person or persons designated by name. The bill would also make conforming and technical changes, as specified

**Ch. 648 (AB 2143) Johnston. Credit unions.**

Existing law provides that credit unions are prohibited from imposing late charges in excess of 3% of the payment due with a minimum charge of not less than 5 cents

This bill would instead provide that late charges when a periodic percentage rate is applied to a loan balance as of the date of payment, may not exceed 3% of the payment due or \$5, whichever is greater.

This bill would further provide that when a loan is secured by real property or has a balance of \$15,000 at the time of creation and a periodic rate is applied to a loan balance as of the payment due date, the charges may not exceed 6% of the payment due or \$10, whichever is greater.

~~Existing law provides that a credit union may impose a late charge once for each delinquent payment which may not exceed \$5.~~

~~This bill would instead provide that a credit union may impose a late charge only once for each delinquent payment without specifying a maximum dollar amount.\*~~

**Ch. 649 (AB 62) Greene. Schools: capital outlay: school property.**

(1) The Leroy F. Greene State School Building Lease-Purchase Law of 1976 provides for the acquisition or construction of facilities by the state and lease-purchase of those facilities by school districts upon the application of the school district and approval of the State Allocation Board Approval of a lease-purchase project is, in part, dependent on the school district having less than a specified amount of existing adequate school construction per unit of estimated average daily attendance. Prior to approval by the State Allocation Board of the application of a school district for the lease-purchase of new school facilities, the board is required to determine that the district is making maximum use of existing facilities

This bill would eliminate the requirement for the determination of maximum use of existing facilities in the case of a school district computing separately for each attendance area within the district its allowable building area per unit of estimated daily attendance.

This bill would also authorize school districts to enter into contracts with specified public entities for the purpose of operating a joint-use library facility on a school site owned by the district, and would establish procedures for approval of applications by school districts for the lease-purchase of a project which includes a joint-use library

facility

(2) Existing law requires the State Allocation Board to apportion funds to school districts for capital outlay projects from funds transferred to the State School Building Lease-Purchase Fund. Each school district is then required to provide 10% of the cost of the project from other school district funds unless the school district is granted a waiver, due to hardship, by the board.

This bill would enable school districts to contribute 1% of the cost of the project per year over a period of 10 years to the State School Deferred Maintenance Fund, in lieu of providing 10% of the cost of the project.

This bill would require the Controller to deduct the 1% amount from the school district's State School Fund apportionments during each of the next 10 fiscal years, as specified, and would on order of the Controller transfer the deducted amounts to the State School Deferred Maintenance Fund which is available for apportionment to school districts.

(3) Under current law the State School Deferred Maintenance Fund is available for moneys needed by school districts to maintain schools. Procedures are prescribed for apportionment by the State Allocation Board from the State School Deferred Maintenance Fund to district deferred maintenance funds. The apportionments are conditioned, except in case of extreme hardship, as defined, upon the district's having budgeted for deferred maintenance an amount equal to or greater than an amount expended for similar purposes in specified base years.

This bill would exclude certain proceeds from the sale of district property from the computation of the amount expended in the base year. This bill would also provide for an appropriation by increasing the apportionments to school districts eligible for moneys from the State School Deferred Maintenance Fund.

Furthermore, this bill would include in the definition of extreme hardship, a critical project in a district's five-year plan which if not completed in one year would result in a serious hazard to the health and safety of the pupils.

#### Ch. 650 (AB 1678) Young. Theft.

Existing law provides that a merchant, or a person employed by a library facility, may detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the merchant or library employee has probable cause to believe the person to be detained is attempting to unlawfully take or has unlawfully taken merchandise, or books or library materials, respectively, from the premises. During the period of detention, any items which the merchant or library employee has reasonable cause to believe are unlawfully taken from the premises and which are in plain view may be examined for the purpose of ascertaining ownership. In any action for false arrest, false imprisonment, slander, or unlawful detention brought by any person detained by a merchant, or library employee, it is a defense to such action that the merchant, or library employee, detaining such person had probable cause to believe that the person had stolen or attempted to steal merchandise, or books or library materials, respectively, and that the merchant or library employee acted reasonably under all the circumstances. Petty theft of merchandise or a book by an unemancipated minor is imputed to the parent or legal guardian who is jointly and severally civilly liable with the minor for the retail value of the merchandise or book plus damages of not less than \$50 nor more than \$500.

The bill would provide, regarding examination of items during detention, that during the period of detention, a merchant, a person employed by a library facility, or an agent thereof, having probable cause to believe the person detained was attempting to unlawfully take or has taken any item from the premises, may request the person detained to voluntarily surrender the item, to provide adequate proof of true identity upon surrender or discovery of the item, and to conduct a specified search if the person detained refuses to surrender the item. The bill would also revise the provisions regarding defenses to an action for false arrest, false imprisonment, slander, or unlawful detention by providing that those defenses are applicable in any civil action brought by any person resulting from detention or arrest.



**Ch. 651 (SB 378) Beverly Coastal zone: port master plans**

The California Coastal Act of 1976 provides for the planning and regulation of development within designated areas of the state's coastline, defined as the coastal zone, which shall be based on various coastal resources planning and management policies set forth in the act. The act, among other things, requires each governing body of any designated port to adopt a port master plan and submit it, as prescribed, to the California Coastal Commission for its certification. The commission is required, within a designated period after its submission, to certify the plan or portion of a plan and reject any portion of a plan which is not certified, and, if the commission fails to act within this period, the plan shall be certified.

This bill would prohibit the commission from modifying the plan as submitted as a condition of certification, and, if the commission rejects any portion of the plan, it would be required to base that rejection upon written findings of fact and conclusions of law.

**Ch. 652 (SB 1144) Ayala. Postsecondary education: student financial aid programs.**

Existing law established a state competitive graduate fellowship program with fellowships to be provided by the state and used by award winners for graduate study, among others, in colleges and universities located in California and accredited by the Western Association of Schools and Colleges.

This bill would authorize the use of fellowships in colleges and universities located in California and accredited by the American Osteopathic Association.

**Ch. 653 (AB 75) N. Waters. Vehicles: pneumatic tires.**

Existing law, permitting the use of snow tires from the first day of October to the first day of May each year, will remain in effect until May 1, 1981.

This bill would revise this provision to permit the use of snow tires from the first day of November to the first day of April and extend the provision until April 1, 1984.

The bill would take effect immediately as an urgency statute.

**Ch. 654 (AB 181) Kaploff. Commercial and sport fishing seabass.**

(1) Existing law contains various restrictions regarding sport fishing for, and the commercial taking and possession of, certain species of fish, but does not prohibit sport fishing for, and the commercial taking or possession of, giant seabass.

This bill would prohibit the taking of giant seabass under a sport fishing license for any purpose except with the use of hook and line when engaged in the taking of other fish, and would prohibit the commercial taking of giant seabass except that 2 fish per vessel could be possessed or sold if taken incidentally in commercial fishing operations by gill net or trammel net.

The provisions of this bill would not apply to 1,000 pounds of giant seabass per trip taken in waters lying off the coast of Mexico up to a maximum aggregate of 3,000 pounds per vessel per year.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 655 (AB 201) Papan. Preneed funeral arrangements**

Existing law provides generally that specified preneed contracts may be entered into by a funeral director if such contracts contain provisions providing for the establishment of a trust for the purpose of the contract and provides that nothing shall prohibit a licensed funeral director who is also a licensed cemetery authority from depositing any money or securities received in connection with preneed funeral arrangements into a special endowment care fund.

This bill would prohibit a licensed funeral director who is also a licensed cemetery authority from depositing any money or securities received in connection with preneed funeral arrangements in such a special endowment care fund and would prohibit a licensed funeral director from permitting the deposit of any money or securities received in connection with a special endowment care fund into a preneed funeral trust fund. The bill would declare that nothing in the above provision shall require the

liquidation or conversion of any lawful investment existing on December 31, 1981.

The bill would provide that a violation of any of the provisions relating to preneed funeral arrangements by a funeral director is punishable as either a misdemeanor or a felony.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 656 (AB 299) Thurman. Architecture**

Existing law prescribes that the membership of the California State Board of Architectural Examiners is to consist of 3 architects, a building designer, and 5 public members. The law provides that the architect members and the building designer member are to have 8 years' practice in this state in their respective professions. The law prohibits the building designer member of the board from acting or voting on applicants for certification as architects.

This bill would decrease the years-of-practice requirement for the architect members and the building designer member from 8 to 5 years and would delete the prohibition against the building designer member acting or voting on applicants for certification as architects.

**Ch. 657 (AB 354) Rosenthal. Insurance: financial interest in automobile repair facility.**

Existing law provides for the licensure of insurance adjusters and, among other things, specifies certain prohibited acts, a violation of which constitutes a misdemeanor.

This bill would additionally prohibit an adjuster, as defined, from receiving a financial benefit from an automobile repair facility, including the possession of more than a 3% direct ownership in an automobile repair facility in this state.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 658 (AB 454) Young. Southern California Rapid Transit District: competitive bidding.**

(1) The Southern California Rapid Transit District Law requires the Southern California Rapid Transit District to let to the lowest responsible bidder all contracts for purchase of supplies, equipment, and materials, and the construction of facilities and works, which exceed \$10,000.

This bill would raise the amount of the contracts which are required to be let to the lowest responsible bidder to those contracts exceeding \$25,000. The bill would require the board to seek a minimum of 3 quotations when the expected procurement exceeds \$1,000.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 659 (AB 484) Ryan. Reimbursable costs.**

Existing law requires counties to implement programs intended to identify qualified electors, and register these persons to vote.

Separate provisions of existing law require the several county clerks to distribute voter registration cards

This bill would require the Secretary of State, in consultation with the Controller, to develop a formula for the reimbursement of costs incurred by counties in the undertaking of the functions described above. It would also require the Controller to prescribe the forms for filing claims.

Finally, the bill would require the Assembly Office of Research to report to the Legislature by April 1, 1982, concerning an evaluation study regarding the voter registration programs described above.

#### Ch. 660 (AB 538) Rosenthal Acupuncture

Existing law prohibits any person from practicing acupuncture unless the person possesses an acupuncturist's certificate issued pursuant to the Acupuncture Certification Act. The law provides that nothing in the Acupuncture Certification Act prevents a physician and surgeon, a dentist, or a podiatrist from practicing acupuncture within the scope of their licenses

This bill would provide that, on and after July 1, 1982, a dentist or podiatrist may practice acupuncture only if the licensee has received a course of instruction in acupuncture as approved by the board having jurisdiction over the particular licensee. The bill would exempt from this requirement a podiatrist or dentist who has completed a course in acupuncture and has utilized acupuncture prior to July 1, 1982

The bill would require the Division of Medical Quality of the Board of Medical Quality Assurance to consider including a course in acupuncture in its continuing education requirements for specified physicians and surgeons

#### Ch. 661 (AB 558) Johnston. Health nursing scholarships

Existing law does not authorize counties to establish nursing scholarships.

This bill would authorize the board of supervisors of a county to establish nursing scholarships if the board determines there is a need to recruit and retain registered nurses and licensed vocational nurses. The bill would require the board of supervisors to administer the scholarship program, adopt rules and regulations for that purpose, and provide for repayment or cancellation of the amounts, as specified

#### Ch. 662 (AB 608) Berman. Health. service plans.

(1) Under existing law, any labor organization, bona fide employee group, or bona fide employee association which has contracted for health care services from a health care service plan licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 may inform its members as to the benefits available thereunder and the charges therefor. Existing law requires that any new or revised written advertising or solicitation, or any form of evidence of coverage, relating to the plan be submitted to the Department of Corporations prior to its adoption by a health care service plan for distribution to those members. The department is required to prohibit its distribution if the department determines that the advertising or solicitation or evidence of coverage is untrue or misleading or deceptive, as specified.

This bill would delete those provisions requiring the new or revised written advertising or solicitation, or form of evidence of coverage, to be submitted to the department prior to the adoption by a health care service plan for distribution to members and would, instead, require those plans to comply with the provisions of the Knox-Keene Health Care Service Plan Act and the regulations thereunder.

(2) Existing law prohibits any person licensed or regulated under the Knox-Keene Health Care Service Plan Act of 1975 from publishing any new or materially revised advertisement unless a true copy has first been filed with the Commissioner of Corporations at least 30 days prior to the publication, or unless the commissioner allows a shorter period of time. Existing law further prohibits any person licensed or regulated under the act from publishing any advertisement after receipt of notice that the commissioner finds the advertisement untrue, misleading, or deceptive

This bill would repeal those provisions

The bill would, instead, prohibit a health care service plan from entering into any new or modified plan contract or publishing or distributing any disclosure form or evidence of coverage unless (1) a true copy has first been filed with the commissioner, as pre-

scribed, and (2) the commissioner has not found the plan contract, disclosure or evidence of coverage to be untrue, misleading, deceptive, or otherwise not in compliance with applicable provisions of the act. The bill would exempt from those provisions a plan which has been licensed under the act during the preceding 18 months and which has had group contracts in effect during those 18 months, as prescribed.

The bill would further prohibit a health plan from distributing or publishing any advertisement excluded from the above provisions unless (1) a true copy has first been filed with the commissioner, at least 30 days prior to any use, or shorter time period, as specified, and (2) the commissioner by notice has not found the advertisement to be untrue, misleading, deceptive, or otherwise not in compliance with the act. The bill would provide that any other licensed plan which has been licensed under the Knox-Keene Health Care Plan of 1975 during the preceding 18 months may publish or distribute or allow to be published and distributed without filing with the commissioner if the plan and material meet certain conditions, as specified.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 663 (AB 663) Costa. Real estate: restrictions.

(1) Existing law does not require the recordation of a restriction imposed by a municipal or governmental entity on real property which restricts conveyance of the property by the owner or of a leasehold interest by the lessee.

This bill would, on or after January 1, 1982, require recording of the restrictions imposed on real property or a leasehold interest which is not owned by the municipal or governmental entity, and would make those restrictions valid and enforceable only when the recording requirement is met.

The bill would provide that nothing in the bill is to be construed, directly or indirectly, to enhance, diminish, or authorize any municipal or governmental entity to impose a restriction on the ability of a person to convey real property or a proprietary leasehold interest.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 664 (AB 687) Cortese. Nomination papers and petitions.

Existing law specifies the form for nomination papers and the affidavit of the circulator.

This bill would revise this form.

Under existing law, if a candidate informs the county clerk that he or she intends to submit an in-lieu-filing-fee petition at a primary election, the county clerk shall issue a special in-lieu-filing-fee petition, as specified. All valid signatures on the special in-lieu-filing fee petition must be counted towards the number of voters required to sign a nomination paper and an in-lieu-filing-fee petition.

This bill would delete the requirement that special in-lieu-filing-fee petitions be used. Instead, it would allow any or all signatures appearing on an in-lieu-filing-fee petition to be counted towards the number of voters required to file nomination papers.

Existing law permits a candidate to file an in-lieu-filing-fee petition signed by a prescribed number of voters rather than submitting filing fees.

This bill would make certain technical changes in this provision of law and it would require in-lieu-filing-fee petitions to contain a prescribed affidavit of the person circulating the petitions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue

and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 665 (AB 735) Harris Department of Motor Vehicles dealers. place of business.

(1) Under existing law, a dealer is required to maintain an office and display area situated on the same property as the established place of business where business peculiar to the type of license issued by the Department of Motor Vehicles is transacted

This bill would provide that a dealer who is a wholesaler involved for profit only in the sale of vehicles between licensed dealers, and a dealer who does not offer vehicles for sale at retail, are not required to maintain a display area

(2) Under existing law, a dealer is required to post, at his established place of business, as defined, and at any other place operated and maintained by the dealer in conjunction with his established place of business, the license issued by the department

This bill would exempt from this requirement a dealer who is a wholesaler involved for profit only in the sale of vehicles between licensed dealers

Ch. 666 (AB 797) Thurman. Cooperative produce inspection facility

This bill would authorize the Director of Food and Agriculture to negotiate and enter into an agreement with representatives from the governments of Baja California and the United Mexican States to construct and operate a cooperative produce inspection facility in Tijuana, Baja California, Mexico

The bill would appropriate \$20,000 to the Department of Food and Agriculture as California's contribution toward the construction of the produce inspection facility

Ch 667 (AB 899) Moorhead. Mobilehomes

Existing law provides that a rental agreement relating to a tenancy in a mobilehome park must contain certain provisions, and specified statutory language. One of the provisions to be included in the rental agreement specifies that the management is required to meet and consult with the tenants or their representatives, upon written request, regarding changes in the park rules, services, physical improvements and other related changes, and to comply with certain notice requirements

This bill would provide that a copy of the text of the specified statutory provisions attached as an exhibit would satisfy the requirement that certain language be included in the rental agreement. This bill would further provide that the provision relating to the requirement of meetings between management and tenants need not be stated in the rental agreement but would impose identical obligations on the management of a mobilehome park.

Existing law provides that a rental agreement relating to a tenancy in a mobilehome park is required to contain notice as to the nature of the zoning under which the park operates and the date of expiration of the current conditional use permit under which the park operates. Existing law further provides that the management of the park is required to notify all tenants of any change in zoning or the use permit status, including any application for change in the zoning or use.

This bill would repeal these provisions

Existing law provides that a rental agreement relating to a tenancy in a mobilehome park may include provisions, other than those specifically required by statute, which are permitted by law.

This bill would provide that these other provisions need not include specific language contained in state or local law which is not a part of the Mobilehome Residency Law

Existing law provides that the management of a mobilehome park is required to give written notice to all tenants and prospective tenants of the nature of the zoning permit under which the park operates, any time between January 1, 1981, and June 1, 1981, inclusive, and to give all tenants 30 days' written notice of a change concerning that zoning permit.

This bill would eliminate the specified time period for notice of the nature of the

zoning permit and would provide that, in addition, written notice of a use permit under which the mobilehome park operates must be given to tenants and prospective tenants, and that 30 days' written notice of a change relating to that use permit must be given to all tenants.

This bill would also provide the manner in which the notification of a change of use of the mobilehome park must be given.

Existing law provides that a tenant of a mobilehome park is to be given a rental agreement for a term of 12 months, or a lesser period as the tenant may request, or a longer period upon an agreement between the tenant and management.

This bill would provide that the tenant is to be offered rather than given a rental agreement under any of these conditions.

Existing law provides that the ownership or management of a mobilehome park has the right to enter upon the land on which the mobilehome is situated without disturbing the occupant's quiet enjoyment, for maintenance of utilities or protection of the park, subdivision, cooperative, or condominium.

This bill would provide that, in addition, the ownership or management may enter for the purpose of maintaining the premises in accordance with the rules of the park when the tenant fails to maintain the property.

Existing law provides that an escrow, sale, or transfer agreement involving a mobilehome located in a park at the time of sale where the mobilehome is to remain in the park, must contain a provision signed by the purchaser stating that he or she has agreed to the terms of the rental agreement.

This bill would provide that should the purchaser fail to execute the rental agreement he or she will be denied the rights of tenancy.

Ch. 668 (SB 60) Rains. Municipal courts: Santa Barbara and Ventura Counties.

(1) Under existing law, there are 10 judges of the Ventura County Municipal Court. This bill would increase the number of judges of the Ventura County Municipal Court from 10 to 11.

(2) Existing law specifies the number, classification, and compensation of municipal court personnel in Santa Barbara and Ventura Counties.

This bill would revise the number, classification and compensation of municipal court personnel in Santa Barbara and Ventura Counties.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 669 (SB 65) Boatwright. Motor vehicles: pollution control devices.

Existing law, with specified exceptions, prohibits any motor vehicle upon a highway in this state which is not equipped with motor vehicle pollution control devices specified by California law or federal law.

This bill would exempt any motor vehicle of mosquito abatement, vector control, or pest abatement districts or agencies, any ambulance used by a private entity under contract with a public agency, and any authorized emergency vehicles, as specified, from requirements of California law for motor vehicle pollution control devices.

The bill would take effect immediately as an urgency statute.

Ch. 670 (SB 83) Garamendi. Mono Lake basin: Mono Lake Tufa State Reserve.

(1) Under existing law, the State Park Commission classifies units of the state park system into one of specified categories.

This bill would establish the Mono Lake Tufa State Reserve consisting of the state-owned portions of the Mono Lake bed lying at or below the elevation of 6,417 feet above sea level as a unit of the state park system under the management of the Department of Parks and Recreation. The bill would specify powers and duties of the department relating to the management of the reserve.

The bill would also make it a misdemeanor to disturb, deface, displace, or interfere

with any tufa or associated sand structure on public or private lands, whether within or without the boundaries of the reserve.

The bill would require the department to commence managing the reserve as soon as practicable after January 1, 1982, only if funds are appropriated in the Budget Act of 1981 to the department specifically for the development, operation, and maintenance of the reserve.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 671 (SB 89) Stiern Domestic water supply systems.**

Existing law (the California Safe Drinking Water Bond Law of 1976) permits the Legislature to authorize, subject to specified limits, the use of bond proceeds in the California Safe Drinking Water Fund for a grant program, with grants provided to water suppliers that are political subdivisions of the state, if it is determined that the suppliers are otherwise unable to meet minimum safe drinking water standards established pursuant to applicable provisions of law. Chapter 322 of the Statutes of 1978 authorized the use of bond proceeds for such a grant program with any grant to be made only upon the specific approval of the Legislature, by an act enacted after the receipt of a report on the grant application filed by the Department of Water Resources.

This bill would authorize grants from the California Safe Drinking Water Fund not to exceed the amounts of \$400,000 to the City of Westmorland, the Frazier Park Public Utility District, the Green Valley County Water District, and the River Pines Public Utility District for the purpose of improving their domestic water systems to meet, at a minimum, safe drinking water standards. The bill would make legislative findings in this connection. The bill would require the Department of Water Resources to determine eligibility for the grants in accordance with the provisions of Chapter 322 of the Statutes of 1978.

The bill would take effect immediately as an urgency statute.

**Ch. 672 (SB 92) Greene. California steel industry.**

Existing law which required state and local agency public works contracts to use only materials manufactured in the United States has been declared unconstitutional by the courts.

This bill would establish the California Steel Industry Recovery Commission which shall identify the reasons for the decline in the state's steel industry and shall make recommendations to the Governor and the Legislature regarding actions necessary to reverse this decline and would specify the composition of the commission and its duties.

**Ch. 673 (SB 96) Marks. Local agencies: fiscal affairs.**

(1) Existing law, for the 1981-82 fiscal year, reduces the amount of certain state subventions to a local agency by an amount equal to the imputed interest on that portion of the property tax levied by or for the agency on the unsecured roll for the 1978-79 tax year which is in excess of \$4 per \$100 of assessed value plus a tax rate for authorized debt service.

This bill would provide that, if the amount of the reduction exceeds the amount of the subvention that would otherwise have been distributed for the 1981-82 fiscal year, the amount of the excess shall be carried over and subtracted in the 1982-83 fiscal year.

(2) Chapter 101 of the Statutes of 1981 requires that all funds collected pursuant to the Highway Carriers' Uniform Business License Tax Act, less specified refunds and administrative costs, be deposited in the General Fund. Formerly, these funds were deposited in the Highway Carriers' Uniform Business License Tax Account in the General Fund and distributed to cities and counties.

This bill would abolish this account and transfer the unexpended balance to the General Fund. This bill would also create the Highway Carriers' Uniform Business License Tax Fund and require the deposit of all moneys collected pursuant to the

Highway Carriers' Uniform Business License Tax Act in this fund. Of the moneys in the fund, that amount necessary for the payment of refunds would be continuously appropriated, and the balance would be transferred to the General Fund upon order of the Controller.

(3) Prior to the 1981-82 fiscal year, property subject to general property taxation was annually assessed at 25% of its full cash value. For the 1981-82 fiscal year and fiscal years thereafter, existing law requires that assessments be at full cash value.

This bill would permit a charter city and county to use the 1980-81 assessment ratio solely for the purpose of apportioning property tax revenues received by the charter city and county for the 1981-82 fiscal year.

(4) This bill would take effect immediately as an urgency statute.

#### Ch 674 (SB 130) Greene. Unemployment insurance: shared work

Existing law authorizes employers to participate in a shared work unemployment compensation benefit program which permits employees to receive, for up to 20 weeks during a period of 52 consecutive weeks, a benefit amount equal to the percentage reduction in the individual's wages resulting from reduced hours or days of work, rounded to the nearest 10%. Participating employers who have a negative reserve account balance in the Unemployment Fund on any June 30th, and whose reserve account has been charged for benefits paid under the program in the prior year, must pay into the fund additional contributions according to a specified rate schedule. The program will remain in effect only until December 31, 1981.

This bill would extend the program until December 31, 1983. The bill would change the benefit amount to the percentage reduction in the individual's wages resulting from reduced hours or days of work, rounded to the nearest 5%. It also would make various clarifying changes in the provisions governing the program.

This bill would require the Employment Development Department to establish and submit procedures for auditing benefits paid pursuant to the bill to the Joint Legislative Audit Committee no later than January 31, 1982, and would require the Joint Legislative Audit Committee to report to the Legislature no later than April 1, 1982, concerning the adequacy of the audit procedures established by the department.

#### Ch 675 (SB 144) Craven. Commercial vehicles inspection and regulation

(1) Existing law makes refusal to submit to a lawful inspection prescribed by the Vehicle Code a misdemeanor. Existing law requires every driver of a commercial vehicle to stop and submit the vehicle to a specified inspection at specified locations when signs are displayed requiring the stop, and a violation of this inspection stop requirement is an infraction.

This bill would make violation of the commercial vehicle inspection stop requirement a misdemeanor, and authorizes issue of a 10 days' notice to appear in case of an arrest for a violation of that requirement.

(2) Existing law requires the Department of the California Highway Patrol to regulate the safe operation of, among others, vehicles, motortrucks of 3 or more axles and combinations of two-axle trucks and any other specified vehicle over 40 feet in length.

This bill would limit the 3 or more axle motortrucks regulated to those over 6,000 pounds unladen weight. The bill would revise the regulation of combinations of vehicles to combinations of a motortruck with any other specified vehicle over 40 feet in length. The bill would also add to such regulation authority any other motortruck regulated by the Public Utilities Commission or the Interstate Commerce Commission, but only for matters relating to hours of service and log books of drivers.

(3) The bill would incorporate additional changes in Section 34500 of the Vehicle Code proposed by AB 366, to be operative on the operative date of that bill only if AB 366 and this bill are both chaptered and become effective on or before January 1, 1982, and this bill is chaptered last.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement



is required by this act for a specified reason.

**Ch 676 (SB 159) Campbell. Income taxes. American hostages**

The existing Personal Income Tax Law excludes various sources of income and benefits from gross income in computing such taxes.

This bill would enact "The Hostage Relief Act of 1981" which, among other things, would provide that gross income of an individual who was at any time an American hostage, as defined, in Iran does not include compensation from the United States received for any month during any part of which the individual was in captive status or hospitalized as a result of captive status.

This bill would take effect immediately as a tax levy.

**Ch. 677 (SB 163) Stiern. Courts.**

Existing law specifies that there are 2 judges of the municipal court in the Newhall Municipal Court District

This bill would authorize an additional judge for the municipal court in the Newhall Municipal Court District upon the adoption of a specified resolution by the Los Angeles County Board of Supervisors.

Existing law provides that there are 6 judges of the municipal court in the West Kern Judicial District.

This bill would increase the number of judges of the municipal court in the West Kern Judicial District from 6 to 9.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 678 (SB 181) Beverly. Assault and battery.**

Existing law provides misdemeanor punishment for assault or battery generally, but an increased penalty for assault, and alternative felony-misdemeanor punishment for battery, is authorized where the victim is a peace officer or fireman or any person who is inflicted with great bodily injury

This bill would authorize such increased penalty for assault and alternative felony-misdemeanor punishment for battery where the victim is an emergency medical technician, mobile intensive care paramedic, nurse, or physician, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

**Ch 679 (SB 190) Alquist. Municipal courts: Santa Clara County.**

Existing law provides for 22 judges of the municipal court in the Santa Clara County Judicial District.

This bill would authorize an increase in the number of judges of the municipal court in the Santa Clara County Judicial District from 22 to as many as 28 upon the adoption of a resolution or resolutions by the board of supervisors finding that there are sufficient funds for any or all such additional judges.

**Ch 680 (SB 284) Vuich. Domestic water supply systems.**

(1) The California Safe Drinking Water Bond Law of 1976 permits the Legislature to authorize, subject to specified limits, the use of bond proceeds in the California Safe Drinking Water Fund for a grant program, with grants provided to water suppliers that are political subdivisions of the state, if it is determined that those suppliers are otherwise unable to meet minimum safe drinking water standards established pursuant to applicable provisions of law. Chapter 322 of the Statutes of 1978 authorized the use of

bond proceeds for such a grant program with any grant to be made only upon the specific approval of the Legislature, by an act enacted after the receipt of a report on the grant application filed by the Department of Water Resources

This bill would authorize grants from the California Safe Drinking Water Fund not to exceed the amount of \$400,000 to the Goshen Community Services District, to the East Oroqui Community Services District, and to the Newell County Water District, and, not to exceed the amount of, \$100,000 to the Sanger Unified School District, for the purpose of improving their domestic water systems to meet, at a minimum, safe drinking water standards. The bill would make legislative findings in that connection. The bill would require the Department of Water Resources to determine eligibility for the grants in accordance with the provisions of Chapter 322 of the Statutes of 1978

(2) Chapter 389 of the Statutes of 1979 authorized a grant not to exceed the amount of \$211,500 from the California Safe Drinking Water Fund to the Linden County Water District for the purpose of improving its domestic water system.

This bill would increase the amount of the grant to not to exceed \$252,870

(3) The bill would take effect immediately as an urgency statute.

#### Ch. 681 (SB 277) Rains. Criminal records.

Existing law specifies the persons and entities that may receive state summary criminal history information under specified circumstances.

This bill would additionally provide for the furnishing of conviction records relating to sex crimes, as defined, concerning persons who apply for employment or volunteer for a position which involves supervisory or disciplinary power over a minor.

The bill would also require the request for such records to include the applicant's fingerprints which may be taken by the employer and other data specified by the Department of Justice.

In addition the bill would require the department to furnish both the employer, as defined, and the applicant, a copy of the information and would authorize the department to assess a fee for the actual cost of processing the request to be paid by the employer requesting the information. The bill would also require the department to destroy an application within 6 months after the requested information is furnished to the employer and the applicant.

This bill would include within the definition of sex crimes offenses which would be created by SB 586 if that bill is chaptered and becomes effective on or before January 1, 1982

#### Ch. 682 (SB 317) Petris. Electronic and appliance repair dealers.

Existing law provides for fees to be set by the Director of Consumer Affairs for the registration of dealers who repair, service, or maintain various specified electronic equipment, including antennas or rotators, or appliances, at not more than \$75 for each place of business. If a dealer repairs and maintains both such electronic equipment and appliances, the registration fee may be set at not more than \$150.

This bill would increase the maximum fee as to dealers who repair, service, or maintain either electronic equipment or appliances, from \$75 to \$100, and would increase the maximum fee of \$150 as to dealers who repair or maintain both electronic equipment and appliances to \$200.

Existing law provides for fees to be set by the Director of Consumer Affairs for the annual renewal of service dealer registration of dealers who repair, service, or maintain specified electronic equipment or appliances at not more than \$75 for each place of business. If a dealer repairs and maintains both such equipment and appliances the renewal fee may be set at \$125

This bill would increase the maximum renewal fee as to dealers who repair, service, or maintain either electronic equipment or appliances, from \$75 to \$100, and would increase the maximum fee of \$125 as to dealers who repair or maintain both electronic equipment and appliances to \$175.

The bill would also provide that these fee provisions shall be repealed on July 1, 1984, unless extended by future legislation.

Existing law provides that money in the Electronic and Appliance Repair Fund is continuously appropriated for the administration of provisions relating to electronic and appliance repair dealers

The increase in fees provided in this act will result in an increase in the Electronic and Appliance Repair Fund available for expenditure

Ch. 683 (SB 353) Holmdahl Regional park or open-space districts. ordinances, rules, and regulations violations.

(1) Existing law authorizes the board of directors of a regional park, park and open-space, or open-space district to superintend, control, and make available to all inhabitants of the district, subject to its rules and regulations, all parks, open spaces, and other facilities for public recreation belonging to the district or under its control, to regulate, restrain, and control the use of vehicles in the district, and to employ a suitable police force to enforce the rules and regulations adopted by the board.

This bill would generally recast those provisions and would authorize the board to adopt ordinances, as well as rules and regulations.

(2) Under existing law, the violation of any rule or regulation of the board prescribing a speed limit for boats or vehicles, except as specified, or regulating parking of, or prohibiting the abandonment of, motor vehicles is punishable as an infraction; violation of any other ordinance, rule, or regulation of the board is a misdemeanor

This bill would provide that violation of any ordinance, rule, or regulation adopted by the board is a misdemeanor, unless the board provides that the violation is an infraction.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 684 (SB 376) Dills. Public employer-employee relations: public records

(1) Existing law contains provisions governing employer-employee relations in state employment and state higher education employment.

Existing law also provides that specified documents and information of public agencies are exempt from disclosure under the Public Records Act

This bill would also exempt from disclosure under the Public Records Act specified records of state agencies related to activities governed by the laws governing state and state higher education employer-employee relations

(2) Existing law requires the Department of Personnel Administration to submit to the parties meeting and conferring under the State Employer-Employee Relations Act and to the Legislature an annual report containing the department's findings relating to the salaries of employees in comparable occupations in private industry and other governmental agencies.

This bill would provide that whenever the department finds that pay data was furnished to the department on the basis that the source remain confidential, the source shall not be open to the public or admissible as evidence in any action or special proceeding.

(3) This bill would incorporate additional changes in Section 6254 of the Government Code proposed by AB 909, to be effective only if AB 909 and this bill are both chaptered and become effective on or before January 1, 1982, and this bill is chaptered last

(4) This bill would incorporate additional changes in Section 6254 of the Government Code proposed by Senate Bill 998 (Ch. 265, Stats. 1981)

(5) This bill would take effect immediately as an urgency statute

Ch. 685 (SB 389) Watson School health education

Existing law, which is operative only until June 30, 1981, requires that the Department of Education prepare and distribute guidelines and plans and assist school districts, as specified, in the preparation of educational programs in genetic diseases, disorders, and birth defects to be presented to pupils in grades 7 through 12.

This bill would reenact existing law in codified form as an authorized course of instruction to be made available to school districts

This bill would require that the Department of Education continue in the preparation and distribution of guidelines and plans and in the provision of assistance to school

districts. This bill would require that the department conduct at least 25 workshops and training programs annually involving approximately 2,500 certified school personnel, and would require the preparation and submission of an annual report to the Joint Legislative Budget Committee

This bill would take effect immediately as an urgency statute

Ch 686 (SB 430) Robbins Local public agency funds.

(1) Existing law provides for the appropriate county to collect the property taxes of a hospital district, the Metropolitan Water District, taxes levied by taxing agencies in a redevelopment project, and property assessments levied by an improvement district. Under existing law, all or a portion of the amounts so collected by the county are directed to be transferred or paid to the treasurer, or treasury, or into the funds of, the entity upon whose behalf the funds were collected.

This bill would permit the funds so collected by the county to be transferred or paid directly to the entity on whose behalf the funds were collected, without specifying the mode of transfer.

(2) Existing law requires a county treasurer, upon payment of a county warrant, to either stamp or perforate the word "Paid" on the warrant.

This bill would make this function of the treasurer permissive rather than mandatory.

Ch. 687 (SB 434) Presley. Shopping carts and laundry carts.

Existing law does not specifically prohibit the removal and abandonment of shopping carts or laundry carts from the premises or parking area of a retailer's establishment.

This bill would make it unlawful to remove a shopping cart or laundry cart, as defined, from the premises or parking area, as defined, of a retail establishment if the cart has a specified permanently affixed sign. It would make it unlawful, among other things, to be in possession of, or to abandon, alter or tamper with, any cart so identified with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart, or to remove, obliterate, or alter serial numbers on carts and would impose misdemeanor penalties therefor

Existing law does not impose specific requirements on persons engaged in the business of shopping cart or laundry cart retrieval.

This bill would require any person who engages in the business of shopping cart or laundry cart retrieval, as defined, to retain records showing written authorization to retrieve shopping carts or laundry carts and for the possession of shopping carts or laundry carts retrieved, to maintain a copy of the written authorization in each vehicle used for shopping cart or laundry cart retrieval, and to display on each service vehicle a sign that clearly identifies the service. This bill would also impose misdemeanor penalties for a violation thereof.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 688 (SB 533) Petris. Optometry

Existing law provides that applicants for examination for a certificate of registration as an optometrist must meet specified requirements including, among other things, completion of a specific amount of collegiate work and of professional instruction

This bill would provide that notwithstanding existing law, any person who holds a degree in optometry and a degree of Doctor of Philosophy, as specified, and has been licensed to practice and did practice optometry in another state for not less than 15 years, shall be considered to have completed comparable requirements to those required for licensure as an optometrist in this state and shall be given an examination for a certificate of registration as an optometrist by the State Board of Optometry.

Ch. 689 (SB 543) Montoya Insurance

Existing law permits organizations or persons maintaining homes for the aged for

pecuniary profit to receive transfers of property, conditioned upon their agreement to pay an annuity to the transferor, after obtaining a certificate of authority from the Insurance Commissioner. Existing law is specifically made inapplicable to certain organizations entering into life-care contracts pursuant to specified provisions of laws

This bill would include those organizations entering into life-care contracts as being within the provisions of existing law permitting transfers of property conditioned upon payment of an annuity

Existing law prohibits a home protection company from paying to any person any commission as an inducement or compensation for the issuance, purchase or acquisition of home protection contracts.

This bill would additionally prohibit a home protection company or other insurer, either directly or indirectly, as a part of any real property transaction in which a home protection contract will be issued, purchased or acquired, from requiring that a home protection contract be issued, purchased or acquired in conjunction with or as a condition precedent to the issuance, purchase or acquisition, by any person, of any other policy of insurance. It would specifically not prohibit payment of an override commission or marketing fee, as specified. Until September 1, 1983, the waiver or forgiveness of a marketing fee otherwise payable by a franchised real estate licensee under the terms of its franchise agreement would not be unlawful where pursuant to the franchise agreement the waiver or forgiveness occurs in the event the franchisee markets or sells a home protection contract issued by the franchisor or its parent, subsidiary or affiliate. The bill would make a statement of the intent of the Legislature concerning the waiver or forgiveness of such marketing fees.

Existing law exempts from licensure under the Insurance Code the solicitation, negotiation or effectuation of home protection contracts issued by qualified home protection companies by a person licensed pursuant to the Real Estate Law in connection with his or her licensed function.

This bill would additionally provide that neither the receipt of a payment otherwise permitted by existing law nor the receipt of a benefit permitted by specified provisions shall disqualify the recipient from such licensing exemption

#### Ch. 690 (SB 559) Presley. Milk· manufacturing milk. bonds

(1) Existing law provides for regulation of marketing of market milk, as defined, including regulation of handlers, as defined, and the provision for surety bonding, in specified amounts, for these handlers, and disciplinary actions against these handlers

This bill contains legislative findings that unfair and disruptive practices have developed concerning the purchasing of manufacturing milk, as defined, specifically including failure to pay, or late payments, to producers of this milk. The bill provides for the execution of surety bonds in an amount of \$5,000 by handlers of manufacturing milk, as defined, and for disciplinary actions against handlers of manufacturing milk.

The bill would also require that specified assessments be paid by handlers who receive manufacturing milk to the Director of Food and Agriculture to defray administrative expenses generated by the bill which would be deposited in the continuously appropriated Department of Food and Agriculture Fund

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

#### Ch 691 (SB 585) Mello Pacific bonito· minimum size

(1) Under existing law, there is no specific prohibition against the taking of Pacific bonito below a specified size

This bill would prohibit any Pacific bonito less than 24 inches fork length or 5 pounds in weight from being taken or possessed on any vessel at any time for any commercial purpose, but would permit a load of bonito taken on a vessel by the use of round haul nets to contain 18% or less by number of bonito smaller than the minimum size, and would permit a load of fish taken on a vessel by the use of gill nets or trammel nets to

contain 1,000 pounds or less of bonito smaller than the minimum size per trip. The bill would require Pacific bonito to be measured from the tip of the lower jaw to the center of the fork of the tail fin.

These provisions would not become operative until, and would remain operative only so long as, the Director of Fish and Game finds and certifies to the Secretary of State that regulations adopted by the Fish and Game Commission relating to the taking of bonito for other than commercial purposes are in effect, and only so long as the allowable daily sport bag limit of Pacific bonito does not exceed the bag limit which was in effect on March 1, 1981. The provisions would remain in effect only until January 1, 1985, and as of that date would be repealed, unless a later enacted statute which is chaptered before January 1, 1985, deletes or extends that date.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 692 (SB 584) Mello. Fish and game.

(1) Under existing law, the judge before whom any person is tried for a violation of the Fish and Game Code or regulation made pursuant thereto may, upon conviction of the accused, order the forfeiture of any device or apparatus designed to be, and capable of being, used to take, among other things, fish and which was used in committing the offense charged. The device or apparatus must be sold or destroyed by the Department of Fish and Game; if sold, the proceeds must be paid into the Fish and Game Preservation Fund.

Under existing law, any net or trap used for taking fish in violation of the Fish and Game Code is a public nuisance and the department is required to commence proceedings by petitioning the appropriate superior court for a judgment forfeiting the net. Any net so forfeited must be sold or destroyed by the department; if sold, the proceeds must be paid into the Fish and Game Preservation Fund.

This bill would specifically provide that neither disposition of the criminal action other than by conviction nor the discretionary refusal of the judge to order forfeiture of the specified device or apparatus used in committing the offense charged upon conviction will impair the right of the department to commence proceedings for a judgment forfeiting any net or trap used for taking fish in violation of the Fish and Game Code.

(2) Under existing law, not more than one hunting or fishing license or license tag of the same class may be issued to or purchased by a person for the same license year, except upon the following occurrences:

- (a) The expiration of the license.
- (b) The filing of an affidavit showing the loss or destruction of an unexpired license or tag previously issued and payment of the full fee.
- (c) The filing of an affidavit showing the loss or destruction of an unexpired commercial fishing license or packing and processing license and payment of a fee of \$5.
- (d) The filing of an affidavit showing the loss or destruction of an unexpired sport fishing or hunting license and payment of a fee of \$2.

This affidavit must be acknowledged before a notary public; however, the oath required for the affidavits in (b) and (c), above, may be administered by any person authorized by the Department of Fish and Game to issue licenses.

Licenses issued pursuant to (a) through (c), above, may be issued by any person authorized by the department to issue licenses; however, licenses issued pursuant to (d), above, may be issued only by the department.

This bill would eliminate the requirement that the affidavit showing the loss or destruction of an unexpired sport fishing or hunting license be acknowledged before a notary public.

(3) Existing law requires execution of a bond by deputies appointed by the department who receive a salary of less than \$25 a month and provides for shipping tags for the transportation of any bird, mammal, fish, or amphibian. Existing law also contains obsolete provisions providing for free pheasant license stamps for disabled veterans.

This bill would delete those provisions.

(4) This bill would make a technical change in a provision relating to trawl nets

Ch. 693 (SB 161) Alquist. Resources. agricultural research and demonstration projects; park and recreation local assistance grants

(1) The Budget Act of 1981 provides support for specified agricultural research and demonstration projects for the Department of Food and Agriculture.

This bill would reduce by \$60,000 the amount appropriated for farm land mapping projects and appropriate \$60,000 for a project relating to photo-fermentation of ethyl alcohol using algae.

(2) Under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, a local assistance grant was made to San Benito County for the acquisition of land for an addition to Bolado Park.

This bill would authorize the county to sell a portion of that land, and would require deposit of the proceeds of the sale in the State Beach, Park, Recreational, and Historical Facilities Fund of 1964. The bill would also amend and supplement the Budget Act of 1981 to appropriate from the fund an amount equal to the proceeds of sale to the Department of Parks and Recreation for a local assistance grant to San Benito County for recreational development of San Justo Reservoir.

(3) Under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 and the Z'berg-Collier Park Bond Act, local assistance grants were made to Ventura County for the acquisition, development, or both, of Mandalay Beach.

This bill would permit the county to lease approximately 1.8 acres of those lands for industrial purposes, provided that the proceeds of the lease are used for the acquisition or development, or both, of land for public park purposes in Ventura County and the county replaces the leased lands with property of equal value for outdoor recreation for not less than the duration of the lease.

(4) The bill would take effect immediately as an urgency statute.

Ch 694 (SB 17) Greene Taxation.

Existing provisions of the California Personal Income Tax Law and the Bank and Corporation Tax Law authorize a credit against those taxes in an amount equal to 10% of the amount of wages, not to exceed a specified limitation, paid to specified employees during the taxable year in which the employee is hired and the immediately succeeding taxable year

This bill would authorize the credit with respect to wages paid to the specified employees during the 24-month period beginning on the date the employee begins working for the taxpayer and would limit the aggregate credit for each employee to \$600

The bill would take effect immediately as a tax levy although the operative date would depend on its effective date and the bill's provisions would remain in effect only for a specified period.

Ch. 695 (SB 606) Vuich. Domestic water supply systems

The California Safe Drinking Water Bond Law of 1976 permits the Legislature to authorize, subject to specified limits, the use of bond proceeds in the California Safe Drinking Water Fund for a grant program, with grants provided to water suppliers that are political subdivisions of the state, if it is determined that those suppliers are otherwise unable to meet minimum safe drinking water standards established pursuant to applicable provisions of law Chapter 322 of the Statutes of 1978 authorized the use of bond proceeds for such a grant program with any such grant to be made only upon the specific approval of the Legislature, by an act enacted after the receipt of a report on the grant application filed by the Department of Water Resources

This bill would authorize grants from the California Safe Drinking Water Fund not to exceed the amount of \$75,000 to the Laton Unified School District, and not to exceed the amount of \$178,000 to the Oakdale Irrigation District, for the purpose of improving their domestic water systems to meet, at a minimum, safe drinking water standards. The bill would make legislative findings in that connection. The bill would require the Department of Water Resources to determine eligibility for the grants in accordance with the provisions of Chapter 322 of the Statutes of 1978.

The bill would also authorize a grant from the fund not to exceed the amount of \$8,000 to the Winton School District for the purpose of reimbursing the district for improvements made to its domestic water supply system to meet, at a minimum, safe drinking water standards, and would make legislative findings in that connection.

The bill would take effect immediately as an urgency statute

**Ch 696 (SB 610) Campbell. Alcoholic beverages: wine.**

Existing law, pursuant to the Alcoholic Beverage Control Act, prohibits a manufacturer, winegrower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler from holding the ownership, directly or indirectly, of any interest in any onsale or offsale general alcoholic beverage license and prohibits an onsale or offsale general licensee from having any ownership or interest, directly or indirectly, in any manufacturer's, manufacturer's agents, rectifier's, importer's or wholesaler's license or business.

This bill would authorize a winegrower, who manufactures, produces, bottles, processes, imports, or sells wine only, to hold the ownership of any interest in any onsale or offsale general license and for an onsale licensee to hold any ownership or interest in any winegrower's license, which winegrower manufactures, produces, bottles, processes, imports, or sells wine only, or in the business of the winegrower, provided that an undertaking approved by the Department of Alcoholic Beverage Control has been entered into, stating that the holder of one license will not sell or furnish wine to the other licensee and that the one licensee shall not sell wine manufactured, produced, processed, imported, or sold by the other licensee. The bill would also prohibit a winegrower from entering into a scheme whereby he or she unfairly sells or promotes, in his or her onsale or offsale business, the wine of another winegrower, in return for his or her wine being unfairly promoted in the onsale or offsale business of that winegrower.

**Ch 697 (SB 627) Presley Juvenile court law**

Existing law does not provide that a person who misrepresents or falsely identifies himself or herself to secure admission to the premises or grounds of a juvenile hall, home, ranch, or camp or to gain access to any minor detained therein, is guilty of a misdemeanor, as specified.

This bill would so provide.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 698 (SB 642) Garamendi Marketing orders credit for promotion expenditures**

The California Marketing Act of 1937 provides authority for the Director of Food and Agriculture to issue marketing orders which regulate the marketing, processing, distribution, or handling of agricultural commodities.

A marketing order may contain provisions for the "advertising and sales promotion," as defined, of any commodity to create, maintain, or enlarge markets, or prevent, modify, or remove trade barriers which obstruct the free flow of any commodity to market. Those provisions, directed toward increasing the sale of any commodity, may not make reference to any private brand or trade name used by any handler with respect to the commodity regulated by the marketing order, except in the case of wine if other than brand names or private names are unavailable.

This bill would further authorize the director, with regard to the marketing orders that provide for the advertising and sales promotion of raisins, prunes, and walnuts, to allow those plans to credit the pro rata assessment obligations of a handler with all or any portion of that handler's direct expenditures for the marketing promotion, which may include private brand or trade name advertising performance allowances, sales promotions, couponing, and in-store promotion programs and materials.



Ch 699 (SB 731) Mello Transportation: intercity and commuter bus and rail service, car pooling and demonstration programs.

Existing law authorizes the Department of Transportation to enter into contracts with railroad corporations to provide commuter and intercity passenger rail services and to enter into contracts with common carriers to provide intercity bus transportation or feeder services to and from rail passenger terminals. The California Transportation Commission is required to allocate funds for transportation projects consistent with Budget Act provisions.

This bill would require the department and the commission, in addition to other criteria, to give consideration to services between areas of high and areas of low unemployment rates, services between areas of declining manufacturing employment opportunities due to plant closures and areas of greater employment opportunities, and services which will provide commuter transportation during the workweek and recreational travel on weekends, when allocating funds, and applying for federal funds, for intercity and commuter bus and rail, vanpooling or carpooling, and demonstration or discretionary programs for special transportation needs

Ch. 700 (SB 738) Johnson Air pollution: State Air Resources Board: agricultural burning.

(1) Existing law authorizes the State Air Resources Board to require any air pollution control district or air quality management district to provide requested information.

This bill would revise this provision to require any district to provide requested information utilized in the normal operation of the district or required by state or federal statute or regulation.

(2) Existing law requires the state board to inventory sources of air pollution within air basins and to use, to the fullest extent, the data of local agencies.

The bill would require the state board to also use data of other state agencies

(3) Existing law prohibits any person from knowingly setting or permitting agricultural burning, unless the person has a valid permit from the agency designated by the state board to issue permits in the area

The bill would authorize the state board, after holding a public hearing, to give a district, or a portion of a district, an exemption from the permit requirement for agricultural burning where agricultural burning does not significantly affect air quality

(4) The bill would take effect immediately as an urgency statute.

Ch 701 (SB 757) Mills Utilities metered service

(1) Existing law subjects the operations of public utilities, including electrical, gas, and water corporations, to the jurisdiction and control of the Public Utilities Commission and the Public Utilities Act. Municipally owned utilities are generally not subject to the jurisdiction of the commission.

This bill would permit the operator of every privately owned marina or small craft harbor or facilities in connection therewith furnishing electrical power to slips or berths to separately meter the electrical power used aboard each vessel and to base charges therefor upon that use. It would also require, for both public utilities and municipally owned utilities, every residential unit in an apartment house or similar multiunit residential structure, condominium, or mobilehome park for which a building permit has been obtained on or after July 1, 1982, other than specified student housing and farmworker housing, to be separately metered for electrical and gas service, except that separate metering for gas is not required for residential units which are not equipped with gas appliances requiring venting or which receive most of their energy for water or space heating from a solar energy system or through cogeneration technology

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

**Ch. 702 (SB 766) Watson. Prepaid health plans.**

Existing law does not specifically require that persons eligible for the Medi-Cal program due to eligibility for the Supplemental Security Income program, shall be provided information by the State Department of Health Services on receiving services under the Medi-Cal program either on a fee for service basis or through enrollment in a prepaid health plan

This bill would so provide

Existing law requires the department, in informing Medi-Cal applicants or beneficiaries of the choice of prepaid health plan enrollment or of using a Medi-Cal card, to, among other things, fairly and objectively explain these choices, and make available a list of providers of Medi-Cal services.

Existing law also requires, with respect to enrollment in prepaid health plans, that the department make available information summarizing the benefits and restrictions applicable to prepaid health plans as opposed to the fee-for-service system, and requires prepaid health plans to provide marketing material to the director for distribution to all prospective enrollees in the plan's service area

This bill would repeal and reenact the requirement that the department make available information summarizing the benefits and restrictions applicable to prepaid health plans, and would repeal the requirements that prepaid health plans provide marketing material

This bill would authorize the department to provide information about provider referral services of a local provider organization

Existing law further provides that door-to-door solicitation of Medi-Cal enrollees shall not be permitted, except by departmental authorization, by prepaid health plans contracting for services under the Medi-Cal program and that the authorization for each plan shall be for a period of 1 year, with the department authorized to extend the authorization for another year pursuant to a finding that alternative methods of marketing and enrollment are insufficient to guarantee enrollment stability for the prepaid health plan

This bill would instead, provide that door-to-door solicitation shall not be permitted except by written findings of good cause by the department on a geographic basis and that continuation of the authorization may be extended for additional one-year periods by the department pursuant to written findings pertaining to the geographic area.

Existing law prohibits the making of false or misleading claims by prepaid health plans or representatives thereof, and imposes various sanctions therefor.

This bill would, in addition, impose misdemeanor penalties of a \$500 fine and imprisonment in the county jail for 6 months, or both, upon a marketing representative of a prepaid health plan who makes false or misleading claims while engaged in door-to-door solicitation

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 703 (SB 620) Nielsen Welfare fraud prevention**

Existing law does not require the Franchise Tax Board to inform the State Department of Social Services about the identities of applicants for, or recipients of, public social services programs who, for the previous calendar year, earn interest or dividends of more than \$30

This bill would provide for the establishment, by the State Department of Social Services of 4 demonstration projects, as specified, utilizing the records of the Franchise Tax Board to match interest, dividends, and other income of applicants for or recipients of public assistance

This bill would, in conducting these pilot projects, require the department annually to inform the board of the names and social security numbers of all applicants for, or recipients of, public social services, and would require the Franchise Tax Board annually to provide the identities of applicants or recipients of public social services who earn dividends of more than \$30 to the State Department of Social Services.

The bill would also require the board, in supplying this information to the department,

to identify the source of the interest or dividends paid, and the name and address of the payor thereof

The bill would provide that the provisions of this bill shall become operative on July 1, 1982, subject to the availability of funds in the 1982-83 Budget Act, and would be repealed on June 30, 1985, unless that date is deleted or extended by the Legislature

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

#### Ch 704 (SB 866) Schmitz. Disability insurance.

(1) The County Employees' Retirement Law of 1937 presently permits boards of supervisors to adopt a provision providing nonservice-connected disability benefits of up to 40% of final compensation based upon years of credited service for new members of the retirement system and present members who elect to be subject to the provision pursuant to collective bargaining.

This bill would permit boards of supervisors to also apply the provision to management and confidential employees and employees not a part of a collective bargaining unit who were members of the retirement system prior to the operative date of the provision in the county and who elect to be subject to the provision. It would authorize the board of supervisors to prescribe the time period and conditions governing this election.

(2) Existing law permits any local public agency to elect to become an employer for unemployment disability insurance purposes with respect to all its employees, or with respect to all employees who are part of an appropriate collective bargaining unit if such election is made before January 1, 1984, and is the result of a negotiated collective bargaining agreement

This bill, in addition, would permit any local public agency to elect to provide unemployment disability insurance coverage to its management and confidential employees and to its employees who are not a part of a collective bargaining unit

#### Ch 705 (SB 869) Presley South Coast Air Quality Management District

(1) Existing law authorizes the legislative body of a special district to authorize the destruction of duplicate records at any time, to authorize the destruction or disposition of any record, paper, or document which is more than 2 years old and was prepared or received other than pursuant to a state statute without retaining a copy, and to authorize the destruction of any record, paper, or document not expressly required by law to be filed and preserved if it is photographed or reproduced in accordance with specified conditions

This bill would specifically include the South Coast Air Quality Management District and the Bay Area Air Quality Management District as a special district or district for purposes of the above provisions.

(2) Under the Lewis Air Quality Management Act, the south coast district board is required to appoint a hearing board, or to authorize the board of supervisors of each county within the south coast district, to appoint a hearing board

This bill would authorize the south coast district board to authorize single-member hearings, when stipulated to by the executive officer of the south coast district and the petitioner, for enumerated purposes. Any person appearing at a single-member hearing in person or through a representative, any person who informs the air pollution control officer of the nature of his concern prior to the hearing, or any person who for good cause is unable to do either, would be authorized to contest the single-member hearing decision. If a person contests a decision, the matter would be required to be reheard by the full hearing board within 10 days

(3) Under the act, the south coast district board is required to employ necessary staff to carry out its program

The bill would require the south coast district board to appoint a treasurer and a controller. The bill would authorize the south coast district board to establish procedures for issuance of warrants

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(5) The bill would take effect immediately as an urgency statute.

Ch. 706 (SB 872) Keene. Salmon: Klamath and Trinity Rivers.

This bill would require the Director of Fish and Game to appoint a Klamath and Trinity Salmon Restoration Advisory Committee with specified membership and duties.

The bill would make an appropriation from the Fish and Game Preservation Fund, a continuously appropriated fund, for payment of the expenses of committee members not including per diem.

The act would remain in effect only until January 1, 1985, and as of that date would be repealed, unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends that date.

Ch. 707 (SB 880) Sieroty. Postsecondary education: student financial aid.

Existing law provides generally for the establishment of financial aid programs, including a competitive scholarship, for students in postsecondary educational institutions. The financial aid programs prescribe, among other things, the maximum amount of financial aid awards and the eligibility requirements, including the consideration of an applicant's parental income and resources by the Student Aid Commission when determining the level of financial need of that applicant.

Existing law also requires the Student Aid Commission to develop procedures for annual review and adjustment, as appropriate, of certain scholarship awards, as specified.

This bill would require the Student Aid Commission to propose, by October 15, 1981, regulations establishing processes for adjusting award selection procedures, including eligibility criteria, as specified, and would require the proposed regulations to be available for public review and comment.

This bill would repeal the provision requiring the Student Aid Commission to develop procedures for annual adjustment of certain awards. This bill would, instead, authorize the commission by October 15, 1981, and by October 15 of each year thereafter, to propose adjustments to award selection procedures and selection criteria, as specified, and would require that the proposed adjustments be available for public review and comment.

This bill would require the Student Aid Commission, by November 1, 1981, and by November 1 of each year thereafter, to submit a formal budget proposal, as specified, to the California Postsecondary Education Commission, the Department of Finance, and the Joint Legislative Budget Committee for inclusion in the Governor's Budget.

This bill would require the California Postsecondary Education Commission, by January 1 of each year, commencing in 1982, to submit to the education policy committees of the Legislature an analysis of the budget proposal submitted by the Student Aid Commission.

This bill would take effect immediately as an urgency statute.

Ch. 708 (SB 1121) Montoya. Common and permit carriers.

(1) Existing law defines common carrier for purposes of regulation by the Public Utilities Commission under the provisions of the Public Utilities Act.

This bill would revise and restate the definition of common carrier for these purposes without substantive change.

The bill would also delete certain obsolete provisions and references.

(2) Existing law requires a permit from the commission authorizing operation as a tank truck or vacuum truck carrier, and allows any carrier engaged in such operations during 1980 and continuously to the date of filing to apply for a permit prior to July 1, 1981, for a fee of \$50 in lieu of all other fees otherwise required.

This bill would extend the filing deadline until July 1, 1982, and require only that the

applicant have operated as such a carrier at any time during 1980 and on the date of filing.

(3) Existing law requires a permit from the commission authorizing operation as a heavy-specialized carrier, and allows any carrier engaged in such operations during 1979 and continuously to the date of filing to apply for a permit prior to July 1, 1980, for a fee of \$50 in lieu of all other fees otherwise required

This bill would extend the filing deadline until July 1, 1982, and require only that the applicant have operated as such a carrier at any time during 1979 and on the date of filing.

#### Ch. 709 (SB 1122) Montoya Highway carriers

Under existing law, it is generally prohibited for a person or corporation to conduct operations both as a common carrier and as a highway permit carrier of the same commodities between the same points, except that a highway common carrier may transport property for one person or corporation by contract by the exclusive use of a vehicle or combination of vehicles for a monthly or yearly unit rate even though this arrangement may include operations as a highway permit carrier

This bill would delete these provisions and instead permit a person or corporation to engage in the transportation of property both as a highway common carrier and under written contract as a highway contract carrier of the same commodities between the same points

#### Ch 710 (SB 201) Richardson Peace officers: inspectors and investigators

Existing law requires the Commission on Peace Officer Standards and Training to adopt minimum standards for the recruitment and training of peace officer members of certain local agencies.

This bill would require the adoption of such standards by the commission for regularly employed and paid inspectors and investigators of a district attorney's office, as defined, who conduct criminal investigations and would require any county wishing to receive aid for the training of such inspectors and investigators to make application to the commission

This bill also makes additional changes proposed by SB 210, to be operative only if SB 210 and this bill are both chaptered and become effective on January 1, 1982, and this bill is chaptered after SB 210

#### Ch 711 (SB 1164) Russell Mentally disordered sex offenders

Existing provisions of the Welfare and Institutions Code delineate a procedure for the commitment of persons designated as mentally disordered sex offenders to the State Department of Mental Health

This bill would transfer the aforementioned provisions to the Penal Code. It would also make technical and related changes

It would also provide that the provisions of the bill shall not be operative if another bill which repeals the Welfare and Institutions Code provisions dealing with mentally disordered sex offenders is chaptered and becomes effective on or before January 1, 1982

#### Ch 712 (SB 1165) Johnson Notaries public. bonds recording by county recorder

Existing law requires every person who is appointed as a notary public to file an official bond, which shall be recorded by the county recorder and returned to the county clerk, who is required to keep the bond for one year following the expiration of the term of the commission for which the bond was issued

This bill would provide instead that the county clerk shall record the bond and shall thereafter mail, unless specified to the contrary, it to, the person named in the instrument, as specified

#### Ch 713 (SB 1180) Beverly Local agencies

(1) Under existing law, various local agencies are required to file fixed-charge special assessments with the county auditor in sufficient time to be included in the county general property tax bill

This bill would require these agencies to file the fixed-charge assessments with the

county auditor by August 10 of each year.

(2) Existing law permits a local agency to set a tax rate 30 days after the date otherwise prescribed by law.

This bill would eliminate this provision.

(3) Under existing law, as part of the negotiating process involved with jurisdictional changes of local agencies the county auditor is required to determine the revenue attributable to the annual tax increment and to impound these funds during the negotiation process.

This bill would eliminate the requirement to impound these funds.

(4) Under existing law, a redevelopment agency's preliminary plan for redevelopment of an area is not required to include parcel level data.

This bill would require parcel level data to be included in the preliminary plan.

(5) Under existing law, funds are allocated from the Special District Augmentation Fund by the county auditor to special districts.

This bill would permit these funds to be disbursed to cities with more than one subsidiary special district for final distribution to the special districts in accordance with the city council's determination.

(6) Existing law permits a local agency to reduce its property tax rate.

This bill would require an agency which intends to reduce its tax rate to notify the county auditor by August 1 of each year.

(7) Existing law prescribes that any amendment made by any chapter of the Statutes of 1980 to a specified provision of the Revenue and Taxation Code be construed to apply prospectively to jurisdictional changes, as specified.

This bill would in addition require that any amendments made after 1980 to that provision be construed to apply prospectively to jurisdictional changes, as specified.

(8) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(9) This bill would incorporate additional changes in Section 33327 of the Health and Safety Code proposed by SB 241, to become operative only if this bill and SB 241 are both chaptered and this bill is chaptered last.

(10) This bill would incorporate additional changes in Section 98.6 of the Revenue and Taxation Code, proposed by AB 934, to become operative only if this bill and AB 934 are both chaptered and this bill is chaptered last.

(11) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

#### Ch. 714 (SB 1192) Rains. Codes: maintenance.

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes and legislation necessary to codify such statutes as are enacted from time to time subsequent to the enactment of the codes.

This bill would restate existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 1981, and would not make any substantive change in the law.

#### Ch 715 (SB 1199) Marks Family law

Existing law, the Family Law Act, details procedures for the dissolution of marriage.

This bill would revise the provisions of the Family Law Act to: (1) permit the court to order any party, other than a governmental entity, in a proceeding under the act to pay fees and costs, as specified, and (2) provide that where an agreement between the parties combines child support and spousal support without designating the amount to be paid for child support and the amount to be paid for spousal support, the combined

support agreements shall be known as family support, and that the court shall not be obligated to make a separate order for child support.

Existing law requires an attorney who represents a client in an action for dissolution or legal separation to give written notice to his or her client that although an obligation based on a contract is assigned to one party as part of the division of the community, in the event that the party to whom the obligation was assigned defaults on the contract, the creditor may have a cause of action against the other party.

This bill would repeal these provisions and would provide instead that a notice containing the same information, as specified, shall be required to be stated in the interlocutory judgment of dissolution or the final judgment of legal separation.

**Ch. 716 (SB 718) Holmdahl Judicial impact analysis.**

Existing law specifies various duties for the Legislative Analyst

This bill would require the Legislative Analyst, on a 9-month trial basis, to prepare a judicial impact analysis with respect to certain legislative measures referred to the Senate Judiciary Committee, Assembly Judiciary Committee, and Assembly Criminal Justice Committee.

**Ch. 717 (AB 1179) Young Public Utilities Commission: passenger terminal facilities.**

(1) Under existing law, the Public Utilities Commission regulates the rates, services, rules, equipment, practices, and facilities of common carriers and other public utilities. Under other provisions of law, the Golden Gate Bridge, Highway and Transportation District is authorized to provide passenger transportation service within or partly without the district.

This bill would make the operations of the district subject to the jurisdiction of the commission for the limited purpose of authorizing a public utility's use of the district's passenger terminal facilities, whenever the public utility and the district are unable to agree to joint use, and to fix compensation therefor and the terms and conditions of that use, and would specify that the commission has no jurisdiction over the operation of passenger vessels by the district or any other operation of the district. It would direct the commission to require that any public utility providing passenger-ferry or other transportation service for the district first be certificated as to those operations. It would require any public utility initiating a complaint pursuant to these provisions to reimburse the commission for its expenses in hearing and determining the complaint.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 718 (SB 1008) Greene Employment: vocational education and job training programs**

The California Work-Site Education and Training Act of 1979 (CWETA) provides job training programs which integrate classroom instruction with entry level and career work-site training for youth and the economically disadvantaged. The act authorizes applicants to receive financial assistance to implement programs developed pursuant to criteria established by the Employment Development Department, in concert with the Department of Industrial Relations, the Chancellor of the Community Colleges, and the Department of Education. Existing law provides for termination of CWETA on September 30, 1982.

This bill would instead provide for the termination of CWETA on December 31, 1984.

Existing law requires the Employment Development Department to prepare an annual report comparing the cost effectiveness of the CWETA program with traditional on-the-job training provided under other specified programs.

This bill would instead require the annual report to compare the cost effectiveness of the CWETA program with other employment and training programs, which may, as appropriate, include but not be limited to, specified programs.

**Ch. 719 (SB 1148) Petris. Insurance rates**

Existing law specifies unfair methods of competition and unfair and deceptive acts or practices in the business of insurance and prohibits various discriminatory practices.

This bill would prohibit any insurer issuing any life or accident or health insurance policies or annuities which are issued or amended on or after January 1, 1984, from refusing to insure or continue to insure, or limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness, as defined, unless the refusal, limitation, or rate differential is based on sound actuarial principles and is related to actual or reasonably anticipated experience

**Ch 720 (AB 717) Hughes. Schools: employee ratios**

Existing law requires school districts to submit specified reports relating to administrative and teaching employees to the Superintendent of Public Instruction. These reports are used to determine whether a district's apportionment will be reduced.

This bill would require each school district to include in the reports the number of all certificated employees and instructional aides in the district.

This bill would require the Superintendent of Public Instruction to prepare an annual report on administrative ratios and to transmit a copy of it to the Legislature and to any agency or individual who requests a copy.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required

**Ch. 721 (SB 831) Watson. Youth.**

Under existing law, certain foster children services were continued for a limited period in 4 school districts Chapter 100 of the Statutes of 1981 provides for a permanent revenue limit increase for those 4 districts.

This bill would require each of the 4 districts which continues to provide foster children services to report, by January 1, 1982, and by January 1 of each even-numbered year thereafter, to the Secretary of Health and Welfare, the Superintendent of Public Instruction, and the Director of the Youth Authority such information as may be required jointly and severally by those officers for the purpose of making a prescribed report to the Legislature and the Governor by the secretary, by February 15, 1982, and by February 15 of each even-numbered year thereafter, prepared jointly by the secretary, superintendent and director, on foster children services, as specified.

This bill would authorize any school district, other than the 4 districts, to provide educational services for foster children and would provide funding only through specific appropriation in the Budget Act

This bill would also require that funds allocated for foster children services, including the revenue limit increase for the 4 school districts, be used exclusively for those services

Existing law provides that parents are liable for the cost of the care, support, and maintenance of a child in a county institution or other place in which the child is placed, detained, or committed pursuant to an order of the juvenile court

This bill would require courts to order parents to reimburse counties for the support of minors adjudged dependent children or wards of the court and placed in out-of-home facilities, as specified

This bill would state the Legislative intent that the increase in income to the state General Fund resulting from this act be used to fund foster children services in the annual Budget Act.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Fi-



nance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute

**Ch. 722 (SB 459) Carpenter. State employees: salaries**

Present law: (1) requires the State Personnel Board to establish minimum and maximum salary limits for classes of state employees and to provide for intermediate steps within such limits to govern the extent of the salary adjustment which an employee may receive at any one time; (2) authorizes, under specified conditions, establishment of more than 1 salary range or rate or method of compensation within a class.

This bill would also authorize establishment of more than 1 salary range or rate or method of compensation where necessary to meet the provisions of state law recognizing differential statutory qualifications within a profession.

Existing law does not establish a state policy for the setting of state salaries for female-dominated jobs on the basis of comparability of the value of the work.

This bill would make related findings and would establish such a policy. This bill would also require the Department of Personnel Administration to review and analyze existing relevant information, as specified, and to provide the information annually to the appropriate legislative policy committee and to the parties meeting and conferring, as specified. This bill would also provide that in case of its conflict with the provisions of a memorandum of understanding entered into pursuant to the State Employer-Employee Relations Act, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

**Ch 723 (AB 1498) Deddeh Investment certificates.**

Existing law prohibits an industrial loan company from having outstanding at any time, investment certificates in an aggregate sum exceeding 10 times the aggregate amount of its paid-up and unimpaired capital and surplus not available for dividends

This bill would raise the limit on the aggregate sum of investment certificates which an industrial loan company may have outstanding at any one time, to a sum not exceeding 15 times the aggregate amount of its paid-up and unimpaired capital and such of its unimpaired surplus as is declared by a bylaw of the company to be unavailable for cash dividends

Existing law provides that after 36 months of operation as an industrial loan company, the company may file an application with the Commissioner of Corporations seeking authority to increase the aggregate sum of its investment certificates which it may have outstanding up to the maximum sum permitted, as specified.

This bill would provide instead that an industrial loan company may file such an application after 36 months of operation and during the next 24 months of operation. The bill would also prescribe limitations and requirements, in this regard, to apply after the industrial loan company has been in operation for 60 months.

**Ch. 724 (SB 140) Maddy Loans**

Under existing provisions of the California Constitution relating to usury, the Legislature is authorized to exempt a class of persons from the limitation on interest rates contained therein

This bill would create a class of lenders exempt from the limitation on interest rates contained in the Constitution, to be known as consumer finance lenders. It would also repeal provisions of law regulating a class of nonexempt lenders known as small loan companies.

This bill would provide for the licensing of consumer finance lenders. It would specify the fees for the licensing of consumer finance lenders

It would specify the powers of the Commissioner of Corporations with respect to consumer finance lenders

The bill would set forth certain regulations applicable to loans made by these lenders. It would also prescribe the maximum fees and charges that such a lender may contract

for and receive in connection with a loan, as specified. In addition, it would set forth penalties for violations of its provisions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would incorporate additional amendments proposed by SB 333, to become operative if both bills are chaptered and this bill is chaptered last.

#### Ch 725 (SB 189) Ayala. Water districts' directors' compensation

(1) Under existing law, members of a board of directors of a municipal utility district having 7 members may receive compensation not exceeding \$50 per day, not exceeding 4 days in any calendar month.

This bill would increase the maximum amount of such compensation to \$100 per day.

(2) Under existing law, directors of irrigation districts, county water districts, California water districts, California water storage districts, county waterworks districts, water replenishment districts, municipal water districts, and water conservation districts may receive compensation not exceeding \$50 per day for specified services rendered as a director.

This bill would increase the maximum amount of such compensation to \$100 per day.

(3) Under existing law, directors of the Antelope Valley-East Kern Water Agency receive compensation not to exceed \$20 per day, not exceeding 6 days in any calendar month.

This bill would increase the maximum amount of such compensation to \$100 per day.

(4) Under existing law, trustees of the American River Flood Control District receive \$40 for each meeting of the board of trustees attended, not exceeding 1 meeting in any calendar month.

This bill would instead permit compensation not to exceed \$100 per day for attendance at each board meeting or for each day's service rendered as a trustee at the request of the board, not exceeding 6 days in any calendar month.

(5) Under existing law, directors of the Crestline-Lake Arrowhead Water Agency and the Desert Water Agency may receive compensation not exceeding \$50 per day for specified services rendered as a director.

This bill would increase the maximum amount of such compensation to \$100 per day.

(6) Under existing law, directors of the Kern County Water Agency receive \$50 for each board meeting attended, not exceeding 4 meetings per month, and not to exceed \$25 per day for performing duties for the agency other than attending board meetings.

This bill would instead permit compensation not to exceed \$100 for attending board meetings and not to exceed \$50 per day for other duties.

(7) Under existing law, directors of the North Delta Water Agency receive \$25 for each attendance at board meetings, and such compensation as the board determines to be just and reasonable for services other than attending board meetings.

This bill would instead permit compensation not to exceed \$100 per day for each day's attendance at board meetings or for each day's service rendered as a director by request of the board, not exceeding a total of 6 days in any calendar month.

#### Ch 726 (SB 23) Watson. Evidence: exclusion: sexual activity

Existing law provides that in a prosecution for rape or rape by acting in concert with another person or for an assault with intent to commit or attempt or conspiracy to commit such offenses evidence of the sexual conduct of an alleged victim, if offered to attack the credibility of the alleged victim, is admissible upon complying with a specific detailed procedure.

This bill, in addition, would require the same specific detailed procedure if evidence of the sexual conduct of an alleged victim is offered to attack the credibility of the alleged victim in a prosecution for specified acts involving sodomy, oral copulation, or the penetration of the genital or anal openings by a foreign object, except when it occurred in a local detention facility or in a state prison.

Existing law provides that evidence of the character of the victim of a crime for which a defendant is being prosecuted is admissible if offered by the defense to prove conduct of the victim conforming to such character evidence. It further provides that in a prosecution for rape, or rape by acting in concert with another person, or for an attempt or conspiracy to commit such offenses, character evidence of the alleged victim's sexual conduct with others, not including the defendant, is inadmissible to prove consent by the alleged victim, except as specified.

This bill would provide, in addition, that in a prosecution for sodomy, oral copulation, or the penetration of the genital or anal openings by a foreign object, or for an attempt or conspiracy to commit such offenses, except when it occurred in a local detention facility or in a state prison, character evidence of the alleged victim's sexual conduct with others than the defendant shall be inadmissible to prove consent by the alleged victim, except in limited, specified circumstances.

#### Ch. 727 (AB 2173) Campbell. Probation.

Existing law permits a court in sentencing a convicted defendant to impose as a condition of probation that the defendant make restitution. The court may also, after determining the ability of the defendant to pay, require the defendant to pay all or a portion of the reasonable cost of probation.

This bill would permit the board of supervisors to collect fees, as specified, for the administrative costs of the collection of restitution payments.

Existing law permits a court adjudging a minor to be a ward of the court to levy a fine not to exceed \$250 if it determines the minor has the financial ability to pay.

This bill would specify that such a fine is also subject to a penalty assessment as specified

#### Ch. 728 (SB 78) Ayala. Wildland fire prevention: roof coverings and attic openings.

(1) Existing law does not establish requirements for roof coverings and openings into the attic areas of buildings around flammable covered wildland.

This bill would require the Director of Forestry to designate hazardous wildland fire zones in state responsibility areas which include locations which are critical and hazardous due to the threat of encroaching wildland fire to life and property and to identify fire hazard severity classes within those zones.

The bill would also require the State Fire Marshal, taking into consideration recommendations of the Director of Forestry and consistent with uniform housing code requirements adopted by the Commission of Housing and Community Development, to adopt rules and regulations for roof coverings and openings into the attic area of buildings for fire hazard severity zones identified by the director applicable to new buildings, or existing buildings when 50% or more of the roof area is reroofed, as specified.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch 729 (SB 101) Marks. Postsecondary education. standardized tests

Existing law requires testing services to make various reports to the California Postsecondary Education Commission regarding the administration and use of standardized tests to California inhabitants.

This bill would require test sponsors to disclose specified testing materials to test subjects for a specified percentage of test administrations and to give written notification to the test subject prior to the test's administration of the right to request test materials. This bill would also require the test sponsors to provide either the specified test materials or the opportunity to examine specified test materials under closely monitored conditions and at places to be designated by the test sponsor to test subjects who request test disclosure within 90 days of the release of the test scores. During the examination of these materials the test subject would be authorized to file a written protest to any

examination question or answer with a representative of the test sponsor and with educational institutions seeking the results of the tests examined. The bill would permit test sponsors to charge a fee for providing the required materials.

The bill would also make conforming changes to the California Public Records Act.

**Ch. 730 (SB 327) Mello. Health: clinics.**

There is an existing law an Advisory Committee on Primary Care Clinics which consists of 16 members who advise the Director of the State Department of Health Services on the delivery of care and services through community clinics, free clinics and employee clinics.

This bill would specifically require that at least one of the 16 members on the committee be a licensed physician and surgeon in private practice

**Ch. 731 (AB 1807) Felando. Insurance: Medicare supplemental health policies**

Existing law provides for regulation of Medicare supplemental health policies. Among other things, it requires the policies to meet minimum benefit standards as established by the Insurance Commissioner and Commissioner of Corporations jointly

This bill would remove the duty to establish the minimum benefit standards from the Commissioner of Corporations. It would specifically require the Insurance Commissioner to promulgate such reasonable regulations as necessary to effectuate existing provisions of law with respect to Medicare supplemental health policies.

It would also specify various regulations with respect to Medicare supplemental health policies, including requirements that:

(1) The policies not deny a claim for losses incurred more than 6 months from the effective date of coverage for a preexisting condition.

(2) The policies return to policyholders benefits which are reasonable in relation to the premium charged

(3) An outline of coverage, as specified, be delivered to policy applicants at the time of application.

**Ch. 732 (AB 2009) Elder. Minors: firearms.**

Existing law prohibits possession of a concealable firearm by a minor without parental or a guardian's consent

This bill would also prohibit possession of live ammunition without such consent, except while going to or from a lawful shooting activity.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 733 (AB 2019) Ingalls. Public contracts.**

Under the State Contract Act, a prospective bidder must prequalify where the estimated cost of the contract exceeds \$300,000.

This bill would eliminate this requirement for prospective bidders on contracts for the Department of Transportation.

**Ch. 734 (SB 301) Alquist Adoption**

Under existing law, an adult person may adopt any other adult person younger than himself or herself, as specified

This bill would impose requirements additional to those contained in existing law upon adult adoptions, as specified

**Ch. 735 (AB 2063) Nolan. Group life insurance.**

Existing law permits a group life policy conforming to specified conditions to be issued to the trustee of a fund established by employer members of a trade association or by a trade association and maintained by contributions of such members for the sole benefit of their employees

This bill would delete such provision.

Existing law provides that a group life policy conforming to specified conditions may be issued to the trustees of a fund established by one employer, or by two or more employers in the same industry, or by an association of employers in the same industry, or by one or more labor unions, or by one or more employers in one or more labor unions, or by an association of employers and one or more labor unions, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or unions.

This bill would include within such provision issuance of a group life policy to the trustee of a fund established by employer members of a trade association, or by a trade association maintained by contributions of such members for the sole benefit of their employees. The bill would also revise the conditions to which a group policy must conform, as specified.

The bill would also raise the limit on the amount of insurance which may be issued to insure dependents to 50% of the insurance on the life of the insured employee or \$5,000, whichever is less, and in the case of a dependent under 6 months of age, to \$500.

Existing law prescribes the requirements and conditions to be met in order for life insurance to be deemed a form of group life insurance.

This bill would provide that one of the requirements to be met is that the insurance be written under a policy covering any association having a constitution and bylaws and formed and continuously maintained in good faith for purposes other than that of obtaining insurance, offering insurance to all the eligible members of the association and covering not less than 25 such members or members together with their dependents or spouses and not less than 75% of all eligible members for amounts of insurance based upon some plan which will preclude individual selection by the member as to the amount of his or her insurance coverage.

#### Ch 736 (AB 1836) W Brown. Harbors.

(1) Existing law prescribes pilotage rates for the Bays of San Francisco, San Pablo, and Suisun. The rates include a charge of 16.25 mills per high gross registered ton. Pilots are required to pay to the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun, for its services and expenses, 5% of pilotage fees. The amount of these fees, however, is computed exclusive of the increases in pilotage rates made by legislation enacted at the 1975-76, 1977-78, and 1979-80 Regular Sessions of the Legislature.

This bill would increase the charge to 18.75 mills per high gross registered ton. The bill would exclude those amounts received that are attributable to that increase from the percentage of pilotage fees that are required to be paid to the board.

(2) Existing law provides that retired or disabled pilots shall receive as a monthly pension an amount which is \$60 multiplied by the number of years of service. Existing law permits a retirement to become effective only at the commencement of the benefit year, as prescribed.

This bill would increase the \$60 amount to \$65, and would permit a retirement to become effective either on January 1 or July 1.

(3) Under existing law, the salaries of members of the board of harbor commissioners of a harbor district may be fixed by ordinance at an amount which does not exceed \$200 per month when the yearly gross income of the district, exclusive of taxes levied by the district, exceeds \$20,000 per year.

This bill would raise that limitation to \$500 per month.

#### Ch 737 (AB 1661) Hannigan. Public Employees' Retirement System: generally.

(1) The Public Employees' Retirement Law presently excludes employees of the University of California from the Public Employees' Retirement System.

This bill would permit any university member of the retirement system to receive credit for university service rendered during reemployment after retirement.

(2) The law presently prescribes merger and termination procedures when an entity which is a contracting agency is disbanded or consolidated.

This bill would permit the Board of Administration of the Public Employees' Retirement System, by contract, to transfer assets and liabilities to the succeeding entity.

(3) The law presently requires service, for purposes of determining retirement service credit, to be calculated on the basis of hours or days of service.

This bill would require service to be based on academic years where appropriate,

under terms and conditions prescribed by the board.

**Ch. 738 (AB 1753) McAlister. Vehicle equipment.**

Existing law provides for certain specified means for activating vehicle stoplamps

This bill would additionally authorize the use of a mechanical device to manually activate stoplamps on vehicles equipped with manual transmissions when the vehicle is downshifted if the device is rendered inoperative automatically while the vehicle is accelerating. The device would be required to meet the requirements established by the department

**Ch. 739 (AB 2176) Johnston. Port districts: workers' compensation**

Under existing law, generally, employees of port districts are not entitled to the same workers' compensation benefits as provided for under the Longshoremen's and Harbor Workers' Compensation Act.

This bill would authorize any port district to provide workers' compensation benefits to its stevedore employees in amounts, and under such conditions, as would be payable to stevedore employees of private employers pursuant to the Longshoremen's and Harbor Workers' Compensation Act, in lieu of the benefits provided under designated workers' compensation provisions. The bill would require an agreement to be in writing between the employee and a representative of the district in order for it to be binding. The bill would require that all claims for benefits against the district authorized under the provisions of this bill be determined pursuant to law and the rules and regulations of the Workers' Compensation Appeals Board. It would also authorize the State Compensation Insurance Fund or any private insurer to provide such insurance coverage for the benefits authorized by this bill.

The bill would take effect immediately as an urgency statute.

**Ch. 740 (AB 1650) Baker. Irrigation districts.**

(1) Under existing law, an action may be brought to determine the validity of the levy any irrigation district assessment or of irrigation district bonds

This bill would also authorize an action to be brought to determine the validity of any irrigation district contract entered into for a period of more than 3 years. The bill would also provide that an action brought under its provisions to determine the validity of a contract entered into prior to the effective date of the bill may be brought within 60 days after the bill becomes effective.

(2) Under existing law, assessments levied by an irrigation district for any improvement district formed within the district are required to include an amount equal to interest on any deferred payments at a rate not exceeding 10% each year

This bill would increase such maximum interest rate to 12% each year.

**Ch. 741 (AB 1616) Rogers. Oil, gas, and geothermal wells**

Under existing law, the State Oil and Gas Supervisor is vested with various powers and duties relating to regulation of the drilling, operation, maintenance, and abandonment of oil and gas wells and wells for the discovery and production of geothermal resources.

The bill would delete a requirement that notice of the appointment of an oil and gas district deputy be transmitted in writing to the Director of Conservation, would delete provisions permitting bonds issued by the United States or the State of California in specified amounts to be filed in lieu of a specified indemnity bond, would revise the period of time in which specified reports or notices are required to be made, would revise procedures for estimating the amount of taxable oil or gas produced by a person who fails to file a report with the Department of Conservation, would revise the penalties required to be paid by a person who fails to pay specified charges levied and assessed by the department, would delete requirements for specified reports to be filed in duplicate, and would make other changes

**Ch. 742 (SB 289) Davis. Controlled substances: fines**

(1) Existing law makes unauthorized persons, as specified, who possess certain controlled substances classified in Schedule III, IV, or V, except methaqualone, guilty of a crime punishable by imprisonment in the county jail for a period of not more than a year or imprisonment in the state prison.

Existing law also makes unauthorized persons, as specified, who possess methaqualone

and its salts, guilty of a crime punishable by a fine of up to \$500 or by imprisonment in the county jail for a period of not more than 6 months, or both

This bill would make possession of methaqualone, as specified, a crime punishable by imprisonment in the county jail for a period not to exceed 1 year or imprisonment in the state prison

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch 743 (AB 1551) Bates. Health facilities

(1) Existing law defines the term "nursing home" for the purposes of the Nursing Home Administrator's Licensing Act to include prescribed institutions, facilities, places, buildings, or agencies.

This bill would revise this definition to exclude an intermediate care facility/developmentally disabled habilitative from the definition.

(2) There is in existing law the California Health Facilities Disclosure Act which requires all health facilities in California to file for public disclosure certain uniform reports of health facility cost expenses in the provisions of health care services under a prescribed system of accounting

This bill would exclude intermediate care facilities/developmentally disabled habilitative from the requirements of that act until January 1, 1987.

(3) Existing law defines small intermediate care facility/developmentally disabled habilitative

This bill would revise the definition and would require the State Department of Health Services to adopt regulations which define the bed classification of intermediate care facilities/developmentally disabled habilitative. This bill would also define "intermediate care facility/developmentally disabled".

(4) Under existing law, any person desiring a license for a health facility or approval for a special service must file with the department a verified application containing prescribed information.

This bill would provide that the application of an intermediate care facility/developmentally disabled habilitative shall include a statement of need signed by the chairperson of the area board on developmental disabilities, unless the area board does not provide the statement of need within 30 days. The bill would also require the department to secure, prior to issuing a license, a criminal record to determine whether the applicant, facility administrator, a manager, or any other adult living in the same location, has ever been convicted of a crime

(5) Existing law requires the department and the State Department of Developmental Services to jointly develop and implement licensing and Medi-Cal regulations appropriate to intermediate care facilities/developmentally disabled habilitative, as specified.

This bill would, additionally, require the State Department of Developmental Services to review and approve an applicant's plan as part of the licensing and certification process.

(6) Existing law requires the State Department of Health Services to adopt regulations setting forth the minimum number of equivalent nursing hours per patient required in skilled nursing and intermediate care facilities.

This bill would, additionally, require the administrator of an intermediate care facility/developmentally disabled habilitative to be either a licensed nursing home administrator or a qualified mental retardation professional. The bill would require inspection reports of intermediate care facilities/developmentally disabled habilitative to be provided by the department to the appropriate regional center for persons with developmental disabilities.

(7) Existing law requires skilled nursing and intermediate care facilities to participate in approved training programs to assure that personnel in such facilities be adequately trained to render direct patient care. Existing law excludes general acute care hospitals, acute psychiatric hospitals, and special hospitals from such requirements

This bill would additionally exclude intermediate care facilities/developmentally disabled habilitative which have staff training programs approved by the State Department of Developmental Services from the requirement.

(8) Existing law defines various types of health facilities

This bill would include an "intermediate care facility/developmentally disabled habilitative" within that definition

(9) This bill would also make additional changes in Section 1250.1 of the Health and Safety Code, proposed by AB 1998, to be operative only if this bill and AB 1998 are both chaptered and this bill is chaptered after AB 1998.

(10) This bill would also make additional changes in Section 1275.5 of the Health and Safety Code, proposed by AB 592, to be operative only if this bill and AB 592 are both chaptered and this bill is chaptered after AB 592.

#### Ch. 744 (AB 1583) Kapiloff. Peace officers.

Under existing law specified sheriffs, marshals, constables, and district attorney investigators or inspectors, and policemen of a city or a district have specified general powers as peace officers, while certain harbor and port policemen and others have peace officer powers relating to their duties, as specified

This bill would grant general peace officer powers to police officers of the San Diego Unified Port District Harbor Police.

#### Ch. 745 (AB 1585) Nolan. Workers' compensation insurers

Existing law requires workers' compensation insurers to maintain a bond with the Insurance Commissioner for the benefit of beneficiaries of awards against the insurer

This bill would revise provisions relating to the amount of that bond by requiring the present values of compensation claims to be computed at 6-percent rather than 4-percent interest.

Under existing law, in lieu of the bond, an insurer may deposit cash, approved securities, or investment certificates or share accounts of a savings and loan institution. That deposit may be made with the commissioner, the State Treasurer, or an approved bank or trust company.

This bill would eliminate provisions for deposit with the commissioner, and would permit the deposit to be made with a savings and loan association, and would make related changes.

Existing law provides for the payment of a specified fee by a workers' compensation insurer when depositing cash or other alternatives to a bond with the commissioner

This bill would instead provide for the payment of these fees to the commissioner when making deposits to the State Treasurer, and would specify that these fees are to be paid to the commissioner for the costs of review and approval of deposits.

The bill would make related changes.

#### Ch. 746 (AB 1587) Imbrecht. School disruption.

Existing law makes it a misdemeanor for any person to remain upon or to reenter, within 72 hours of being asked to leave, school grounds or adjacent areas without lawful business if his presence or acts interfere with or disrupt the peaceful conduct of school activities.

This bill would also make it a misdemeanor for any person to otherwise establish a continued pattern of unauthorized entry, as defined, after being asked to leave, beyond the 72-hour reentry period provided for under existing law

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch 747 (AB 450) Young. Radiologic technology

(1) There is in existing law the Radiologic Technology Certification Committee of specified professional membership Existing law repeals the provisions of existing law



relating to the committee, effective January 31, 1982.

This bill would repeal the provisions which would eliminate the Radiologic Technology Certification Committee and thereby continue the committee in existence indefinitely

(2) Existing law requires specified fees or charges, except those in the vital statistics area, to be increased each year, commencing January 1, 1981, by the percentage changes printed in the Budget Act. Existing law includes fees required to be paid by persons possessing sources of ionizing radiation in those department fees and charges subject to the annual adjustment

This bill would exclude fees required to be paid by persons possessing sources of ionizing radiation from the above requirements.

Ch 748 (SB 239) Rams. Superior courts: Ventura and Santa Barbara Counties.

(1) Existing law provides for 7 superior court judges in Santa Barbara County and authorizes the appointment of juvenile court referees in each county.

This bill would increase the number of superior court judges in Santa Barbara County from 7 to 9, and prohibit the appointment of a juvenile court referee or referees in that county

(2) Existing law provides for 2 superior court commissioners and 11 superior court judges in Ventura County.

This bill would delete the provisions for 2 superior court commissioners and increase the number of superior court judges in Ventura County from 11 to 13

(3) The bill would become operative on July 1, 1982

(4) The bill would provide that no appropriation is made by the act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act, and that the act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of the act

This bill would not provide a block grant for designated superior court judge positions for a stated reason.

Ch. 749 (SB 906) Dills. Schools elementary school reading instruction.

Existing law makes extensive provisions for elementary school reading instruction programs directed to the prevention and correction of reading disabilities in grades 1 through 3 and, upon the resolution of the governing board of a school district, in kindergarten

This bill would repeal and reenact the Miller-Unruh Basic Reading Act of 1965 with the following revisions:

(1) This bill would specifically state that it is not the intent of the Legislature to preempt other special reading programs which comply with law

(2) This bill would prescribe a procedure for obtaining a waiver of any provision of the program

(3) This bill would replace the current nomination and examination procedure for the selection of specialist teachers for reading, and alternate selection procedures, by a general authorization to select persons who meet prescribed criteria

(4) This bill would delete a method of computing a quota upon the number of specialist teachers in reading which a district may employ.

(5) This bill would prescribe a system of priorities in the duties of specialist teachers and would assign a final priority to corrective instruction to pupils in grades 4 to 6 after all primary needs are met

(6) This bill would delete provisions relating to (a) consolidated application forms for various special programs, (b) scholarship programs, and (c) allotments for librarians

(7) This bill would eliminate many of the detailed administrative requirements presently prescribed and would provide for broader general authorization for the conduct of programs.

**Ch. 750 (SB 1187) Sieroty. Health insurance: diabetic programs.**

Existing law does not require group policies of disability insurance, health care service plans, self-insured employee welfare benefit plans, and nonprofit hospital service plans to offer coverage for diabetic daycare self-management education programs.

This bill would require the aforementioned policies and plans which are issued, amended, delivered or renewed on or after January 1, 1982, to do so.

This bill would also state legislative intent.

**Ch. 751 (AB 1099) Cortese. Bay Area Air Quality Management District**

Existing law authorizes the members of the board of directors of the Bay Area Air Quality Management District to receive compensation not exceeding \$50 per day for attending meetings, which may not exceed \$1,800 per year. The members are also required to receive actual and necessary expenses incurred in the performance of their duties.

This bill would authorize the members of the board to receive compensation not exceeding \$100 per day for attending meetings or, upon authorization of the board, while on official board business, which may not exceed \$3,600 per year.

**Ch. 752 (AB 564) McAlister. Insurance.**

Existing law requires the Insurance Commissioner, after notice and hearing, to withdraw approval of an individual hospital, medical, or surgical policy if after consideration of all relevant factors the commissioner finds that the benefits provided under such policy are unreasonable in relation to the premium charged.

This bill would instead provide that the commissioner shall, after notice and hearing, withdraw approval of an individual or mass-marketed policy of disability insurance if after consideration of all relevant factors the commissioner finds that the benefits provided under such policy are unreasonable in relation to the premium charged. A "mass-marketed policy" would include any group or blanket disability insurance policy offered by means of direct response solicitation, as defined, through a sponsoring organization, or through the mails or other mass communications media and under which a person insured pays all or substantially all of the cost of his or her insurance.

Under existing law selected group disability insurance is a form of disability insurance conforming to specified conditions, including a requirement that such insurance be maintained in force under an arrangement whereby the premiums on policies are to be paid to the insurer either by means of payroll deductions or periodically by the employer or association, as the case may be, or by some designated person acting on behalf of the employer or association.

This bill would repeal the requirement.

Existing law permits any domestic life insurance company, after adoption of a resolution by its board of directors, to allocate to one or more separate accounts, in accordance with the terms of a written agreement filed and approved by the Insurance Commissioner, any amounts which are paid to the company in connection with a pension, retirement or profit-sharing plan, or program for one or more persons, or with a variable life insurance policy, and which are to be, or may be, applied in payment or in making provision for payment of proceeds or benefits under the company's policies or contracts of retirement benefits, and other benefits incidental thereto in fixed or variable dollar amounts, or both. It would permit the amount allocated to be invested without regard to limitations imposed by state law governing investments of insurance companies, with specified exceptions.

This bill would delete the requirement that the written agreements be filed with and approved by the Insurance Commissioner. It would instead provide the commissioner with the authority to determine which types of policies and contracts, if any, shall be subject to approval prior to issuance.

Existing law provides that, for purposes of life insurance and disability insurance, the term "actuary" means either a member of the American Academy of Actuaries, or an individual who has demonstrated by training and experience actuarial competence to the satisfaction of the Insurance Commissioner.

This bill would expand the definition to apply to all classes of insurance.

**Ch. 753 (AB 511) Ivers. Juvenile court law**

Existing law requires that a person taken into custody solely upon the basis that he or she may be adjudged a dependent child of the juvenile court or a person who is adjudged to be such, on specified grounds, shall be housed only in nonsecure facilities.

This bill would define the terms "secure facility" and "nonsecure facility" for the purposes of the above provision

**Ch 754 (AB 980) N. Waters. Fish and Game Commission: compensation**

(1) Under existing law, each member of the Fish and Game Commission receives \$10 for each day of actual service performed in carrying out his official duties, but a commissioner may not receive in excess of \$50 per month in this compensation

This bill would increase the compensation to members of the commission to \$50 for each day of service, but not to exceed \$250 per month.

(2) This bill would make an appropriation from the Fish and Game Preservation Fund, a continuously appropriated fund, to pay for the increased compensation

**Ch. 755 (AB 885) Elder. AFDC warrants: limitations.**

Existing law imposes various residence requirements for public assistance eligibility

This bill would prohibit the mailing of AFDC aid to any recipient at an address outside of the United States and would require the envelope containing an AFDC warrant to bear statements that it is not to be forwarded and address correction is requested.

The bill would provide that payments withheld pursuant to this bill may be made after a recipient has returned to the state and signed a statement under penalty of perjury that the recipient has received no aid payment while outside the United States

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1985, the provisions contained in the bill for which state reimbursement is required.

**Ch. 756 (SB 618) Carpenter. Hazardous Substance Account.**

(1) Existing law authorizes the State Director of Health Services to issue an order specifying a schedule for compliance or correction for violation of certain hazardous waste control law provisions. If, in the judgment of the State Department of Health Services, immediate corrective action is necessary to prevent imminent substantial danger to the public health, domestic livestock, wildlife or the environment, the department may take or contract for the corrective action and recover the cost thereof from persons who may be liable. Existing law authorizes the department to expend up to \$100,000 in a 12-month period of available moneys in the Hazardous Waste Control Account in the General Fund for these purposes.

This bill would create the Hazardous Substance Account in the General Fund to be used, among other things, in order to meet the state's obligation to make specified proportional payments under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for purposes, generally, of taking removal or remedial action relating to the release or threatened release of hazardous substances

The bill would also provide that money deposited in the account may be appropriated by the Legislature to the Hazardous Substance Compensation Account for, among other purposes, the payment, under specified circumstances, by the State Board of Control of any claim for compensation of certain losses caused by the release of hazardous substances.

The bill would impose a tax on the disposal of hazardous and extremely hazardous waste, in accordance with a prescribed formula in an amount necessary to maintain an average annual balance of \$10,000,000. The State Board of Equalization would be authorized, under various administrative procedures, to collect the tax and transmit the proceeds to the State Treasurer, as specified

The bill would appropriate \$2,000,000 from the contingency reserve for economic uncertainties as a loan to the Hazardous Substance Account, which loan is to be repaid pursuant to a prescribed schedule with interest

The bill would continuously appropriate \$1,000,000 annually from the Hazardous Substance Account to a reserve account for emergencies, to be used for specified purposes.

The bill would make any person who fails to file a specified report subject to a civil fine or imprisonment, or both

Certain provisions of the bill would be repealed effective July 1, 1991.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) The bill would take effect immediately as an urgency statute.

Ch. 757 (SB 1066) Petris. Municipal utility district directors: compensation.

Existing law permits a municipal utility district having 7 directors to provide for compensation for each director of not more than \$50 per day for attending meetings or other service as a director by request of the board, not exceeding 4 days per month.

This bill would permit the district to raise this compensation to not more than \$100 per day, and permit compensation for not more than 6 days per month.

Ch. 758 (AB 1520) Thurman. Sales of meat.

Under existing law, a retailer who sells certain cuts of meat at retail to a consumer is required to furnish to that consumer, at the time of sale, a statement of the weight of the meat and information concerning the cuts of meat.

This bill would require, except as to primal cuts of meat which are smaller than  $\frac{1}{4}$  of a carcass, that a true and legible copy of that statement be retained by the person, company, or corporation issuing the statement for a period of 1 year and be made available for inspection by a sealer upon request. Violation of the provision would, pursuant to existing law, be a misdemeanor

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 759 (AB 632) Papan. Dismissal of charges

Existing law does not require the prosecutor to state the reasons for seeking the dismissal of charges or recommending the punishment the court should impose, nor is the record in the case required to contain a statement of the reason for a dismissal of a charge or an amendment of an accusatory pleading.

This bill would require the prosecuting attorney to state the reasons in open court in each felony case in which a dismissal is sought, or upon a specified plea when the punishment is recommended. This bill would also require that the record in each felony case in which the original charges in the accusatory pleading are amended or dismissed contain a statement of the reasons for the amendment or dismissal.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the bill would remain in effect unless and until they are amended or repealed by a later enacted act

**Ch 760 (AB 832) N. Waters. Hunting licenses bear license tags**

Under existing law, any person 12 years of age or over who possesses a valid hunting license may, upon payment of \$1, procure the number of bear license tags corresponding to the number of bear that may be legally taken by 1 person during the current license year. Existing law provides for an annual adjustment in the base fee for tags by an inflation factor calculated by the Department of Finance

This bill would revise these fees to be \$5 in 1983, \$7 50 in 1984, and \$10 plus the amount of the inflation factor in 1985 and thereafter. The bill would also require nonresidents who want to procure bear license tags to possess a valid California hunting license and pay a base fee of \$75. The bill would specify that the fee for license tags is the base amount plus an amount based on the inflation factor.

The bill would make an appropriation from the Fish and Game Preservation Fund, a continuously appropriated fund, by increasing the license tag fees paid into that fund.

**Ch 761 (AB 848) Wright Locomotive signals.**

Existing law requires that a locomotive's bell or whistle be sounded when crossing any street or highway, except in cities.

This bill would instead permit the bell or whistle to be sounded at street or highway crossings in cities at the discretion of the operator of the locomotive.

**Ch 762 (SB 947) Davis Courts.**

Existing law does not authorize a trial court, except in limited, expressly authorized situations, to award expenses, including attorney's fees, as a sanction.

This bill would authorize a trial court to require a party or the party's attorney, or both, to pay any reasonable expenses incurred by another party as a result of tactics or actions not based on good faith which are frivolous or cause unnecessary delay, as specified

**Ch 763 (SB 1139) Davis Community college health services.**

Under existing law, the governing board of a community college district may require community college students to pay a fee of not more than \$10 for the regular school year for health supervision and services. In addition, existing law requires the governing board to establish a fee, if any, for these services during the summer session which shall not exceed the amount charged per semester or quarter during the regular year.

This bill would permit the governing board to charge a mandatory or optional fee of not more than \$7 50 for each semester, and \$5 for each summer session or \$5 for each quarter for these services.

This bill would incorporate additional changes in Section 72246 of the Education Code proposed by AB 1217, to become effective if both this bill and AB 1217 are chaptered, and this bill is chaptered later

**Ch. 764 (SB 841) Alquist. Community colleges California State University and Colleges. facilities**

(1) Under existing law, there are no provisions which provide for the allocation of funds specifically for the purpose of maintaining and repairing community college facilities

This bill would establish the Community College Facility Deferred Maintenance and Special Repair Program, as defined, and would require that the Board of Governors of the California Community Colleges adopt rules and regulations for the allocation of funds appropriated by this bill. This bill would specify that the adopted rules and regulations establish criteria for the ranking of requests for funding by community college districts, require districts to prepare and submit to the Board of Governors a 5-year maintenance plan which includes plans for preventative as well as deferred maintenance in order to be eligible for state funding of deferred maintenance, and would require that districts receiving state funds provide an amount of district funds equal to the amount of state funds to be allocated for facility maintenance and repair as a condition for the receipt of state funding. This funding would be subject to a

complete or partial waiver of this requirement by the board based upon a review of the financial condition of the district.

This bill would amend the Budget Act of 1981 to provide for the allocation of funds from the Capital Outlay Fund for Public Higher Education for 2 community college district projects, as specified.

(2) This bill would appropriate \$250,000 from the Capital Outlay Fund for Public Higher Education for the purpose of remodeling a science building at California Polytechnic State University, San Luis Obispo.

This bill would take effect immediately as an urgency statute.

**Ch. 765 (AB 1072) Lancaster. Credit unions.**

Existing law provides that if the Commissioner of Corporations finds that any credit union is violating the provisions of the California Credit Union Law or is insolvent or is conducting its business in an unsafe or unauthorized manner, the commissioner may notify the credit union to cease these practices and the credit union is required to comply.

This bill would provide that these provisions would also apply with respect to violations of rules established by the commissioner pursuant to the California Credit Union Law.

This bill would further provide that 10 days from the date of a notification or order from the Commissioner of Corporations to cease unsafe or unauthorized practices, a credit union may request a hearing under the Administrative Procedure Act although neither the request nor the hearing itself will stay the commissioner's order or notification.

Existing law provides that a credit union may borrow money from any source in an aggregate amount not exceeding 50% of its paid-in and unimpaired capital and surplus.

This bill would provide that loans from the National Credit Union Central Liquidity Facility shall not be included in a credit union's aggregate borrowings for the purposes of the limitation on borrowing.

Existing law provides that losses incurred by a credit union may be charged to its regular reserve.

This bill would condition the charge of a credit union's losses against its regular reserve upon the adoption of a rule to this effect by the Commissioner of Corporations.

Under existing law, a federal credit union may convert into a state credit union upon recommendation of its board of directors and an affirmative majority vote of its members.

This bill would provide instead that upon the recommendation of the federal credit union's board of directors, such a conversion is permitted if specified requirements of the Federal Credit Union Act are met and the credit union obtains a certificate authorizing it to act as a credit union under the California Credit Union Law.

**Ch. 766 (SB 887) Ayala. Crimes: transit districts.**

Under existing law, a violation of an ordinance, rule, or regulation of the Bay Area Rapid Transit District relating to smoking or evasion of fare, or of any ordinance, rule, or regulation of the Southern California Rapid Transit District relating to playing sound equipment is an infraction.

This bill would, instead, provide that the evasion of fares, misuse of transfers, playing sound equipment in a clearly audible manner, smoking, eating, or drinking in areas where those activities are prohibited, expectorating, or willfully disturbing others by boisterous or unruly behavior, on or in the facilities or vehicles of a public transit system, is an infraction.

Existing law provides for distribution of fines and forfeitures generally to counties and cities as specified, or in certain cases to other specified entities.

This bill would distribute a portion of the revenues from specified violations of law to transit districts as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 767 (AB 1146) McAlister. Disability Insurance Reserves.**

Existing law, for various purposes, requires every admitted insurer to maintain an active life reserve which shall place a sound value on its liabilities under all disability policies. During a period within which the renewability of a policy is guaranteed or the insurer's right to cancel a policy or to refuse renewal thereof is limited, the minimum reserve is required to be an amount computed on the basis of 2 year preliminary term tabular mean reserves employing specified assumptions unless the Insurance Commissioner has promulgated specific regulations in lieu thereof.

This bill would revise those assumptions.

The bill would revise various provisions of the Insurance Code with respect to interest rate assumptions and mortality assumptions used in the calculation of policy reserves and surrender values. The bill would also revise the method by which surrender values are calculated.

**Ch. 768 (AB 1157) Filante. Real Estate Fund.**

Under existing law relating to the licensing and regulation of real estate salespersons and brokers, known as the Real Estate Law,  $\frac{1}{4}$  of the amount of any license fee collected under the Real Estate Law is to be paid into a separate account in the Real Estate Fund for the purposes of real estate education, research, and recovery, the funds of which must be allocated 80% for education and research support and 20% for recovery claims.

This bill would provide instead that  $\frac{1}{3}$  of the amount of any license fee collected is to be paid into that separate account and that the funds in the account must be allocated 75% for education and research support and 25% for recovery claims.

**Ch. 769 (AB 1227) Vicencia. Public works contracts: disputes: arbitration.**

Existing statutes: (1) require that all contracts subject to the State Contract Act and the California State University and Colleges Contract Law contain specified provisions which provide that the determination of specified disputes under the contract shall be decided by the head of the state agency involved or the Office of Administrative Hearings as his representative; (2) prescribe related procedures; and (3) require the Office of Administrative Hearings to adopt regulations to implement the claims procedure authorized by the contract requirements statutes.

This bill would:

- (a) Repeal items (1), (2), and (3) above.
- (b) Establish the Public Works Contract Arbitration Committee, as specified, and require it to establish standards and qualifications for arbitrators, as specified.
- (c) Provide for the resolution of claims relating to contracts subject to the State Contract Act by arbitration, as specified.
- (d) Authorize other public works contracts to include a provision for such arbitration.
- (e) Make related changes.

**Ch. 770 (AB 1251) Ingalls. Vehicles.**

(1) Existing law prohibits any object or material on the windshield, or side or rear windows of a vehicle, or which is located where it would obstruct or reduce the driver's view through the windshield or side windows. Specific exceptions to this prohibition are provided.

This bill would except from that prohibition a clear, transparent lens affixed to the side window opposite the driver, as specified, on vehicles greater than 80 inches wide which provides the driver with a wide-angle view through the lens.

(2) Under existing law, vehicles which carry liquified petroleum gas fuel or natural gas in any concealed area of the vehicle are not required to display the name of the fuel on the exterior of the vehicle.

This bill would require all vehicles which carry that fuel in a tank attached to a vehicle in any concealed area to display the letters "CNG," "LNG," or "LPG," whichever type fuel is utilized, in block letters at least 1 inch high, as near as possible to the area of the tank. The bill would also make it unlawful, after January 1, 1983, to dispense that fuel into any tank in a concealed area of any vehicle registered in California, unless the

vehicle complies with the requirements of the bill.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 771 (AB 1288) Thurman Agriculture: livestock and poultry diagnostic laboratories**

Existing law authorizes the Director of Food and Agriculture to maintain regional poultry and animal disease diagnostic laboratories for specified purposes.

This bill would require the director to enter into cooperative studies with the Dean of the School of Veterinary Medicine at the University of California, Davis, to prepare a plan to be submitted to the Assembly Committee on Agriculture prior to February 1, 1982, regarding the laboratory support needed for the diagnosis of livestock and poultry disease in California, as specified.

**Ch 772 (AB 1301) Ingalls. Driver's licenses: applications**

Under existing law, certain information is required to be furnished on an application for a driver's license, including whether the applicant has previously operated a motor vehicle, and, if so, for how long, and whether the applicant has normal use of both hands and feet.

This bill would delete those items from the required information to be contained on an application for a driver's license.

This bill would incorporate additional changes in Section 12800 of the Vehicle Code proposed by AB 52, to be operative on the operative date of that bill only if AB 52 and this bill are both chaptered and become effective on or before January 1, 1982, and this bill is chaptered last.

**Ch 773 (AB 1390) Sher. Escrow agents**

(1) For purposes of the Escrow Law, an escrow agent is defined as any person engaged in the business of receiving escrows for deposit or delivery for compensation.

This bill would delete the requirement that those persons receive compensation.

(2) Existing law provides that an escrow agent which opens a branch office or changes its business location without first obtaining the approval of the Commissioner of Corporations shall forfeit the sum of \$100 for every day during which the branch office or changed location is maintained without authority.

This bill would provide that the commissioner may order a licensed escrow agent in such a situation to forfeit a sum of up to \$100 for every day for the first 10 days and \$10 for every day thereafter.

(3) Existing law permits escrow agents to establish additional business office locations upon compliance with certain specified requirements, including a requirement of filing with the commissioner a financial statement prepared in accordance with generally accepted accounting principles, covered by a report or certificate of an independent certified public accountant or independent public accountant, as specified.

This bill would instead provide that the financial statement shall be covered in that manner, except as otherwise permitted in writing by the commissioner.

(4) Existing law provides that an order to discontinue unsafe or injurious practices or to discontinue a violation of the Escrow Law shall require the licensed escrow agent to show cause before the commissioner, at a time fixed by the commissioner, why the order should not be observed.

This bill would delete this requirement and instead provide that those orders may not become final except after notice to any licensed escrow agent affected thereby of the intention of the commissioner to make the order final and of the reasons therefor. It would also make provisions for a hearing in accordance with the Administrative Procedure Act, as specified.

The bill would also make technical and related changes.



**Ch 774 (AB 1490) Thurman Vehicles.**

(1) Existing law provides for a light or lighted lantern plainly visible 300 feet to the left, front, and rear when a load extends 1 foot past the left side of the vehicle

This bill would delete a lighted lantern from that requirement and specify that the light be an amber lamp or, if the projected load exceeds 120 inches in length, an amber light visible to the front and a red lamp visible to the rear

(2) Existing law permits flashing lights on vehicles in certain circumstances

This bill would permit otherwise required or permitted lamps on a trailer or semitrailer to flash if that vehicle has broken away from, and the connection is broken to, the towing vehicle.

(3) Existing law permits tow cars to display flashing amber lamps when providing service to a disabled vehicle and to display such a lamp to the rear when towing a vehicle at a speed slower than the normal flow of traffic.

This bill would require tow cars used to tow disabled vehicles to be equipped with flashing amber warning lamps.

(4) Existing law permits pilot cars to display flashing amber warning lights when engaged in the movement described in the permit.

This bill would require the warning lamps to be removed or covered at other times.

(5) Existing law requires every vehicle 80 inches or more in overall width operated during darkness and every truck tractor to be equipped with at least 3 red emergency reflectors.

This bill would permit the use of an emergency warning sign or banner, in addition to the emergency reflectors, for those types of vehicles which are disabled on the roadway or which are parked or disabled within 10 feet of a roadway.

(6) Existing law requires trailers or semitrailers of specified weight and date of manufacture to be equipped with brakes, except as specified

This bill would require every trailer manufactured after January 1, 1982, and equipped with air brakes to be equipped with brakes on all wheels.

(7) Existing law requires, except as specified, every motor vehicle to be equipped with service brakes on all wheels. That existing law authorizes any bus, truck, or truck tractor to use means for reducing the braking effort on the front wheels under adverse road conditions.

This bill would permit automatic or manual means for reducing the braking effort on the front wheels, and limit only the manual means to use when operating under adverse road conditions.

(8) Existing law requires parking brakes to be held in the applied position by mechanical means, spring devices, or by captive air pressure in cells meeting specified requirements

This bill would require parking brakes to be held in the applied position solely by mechanical means.

(9) Existing law requires the Department of the California Highway Patrol to adopt and enforce regulations relating to the type, number, and attachment of binders for loads of baled cotton, paper, and jute

This bill would, instead, require the department to adopt and enforce regulations relating to the safe loading, securement, and transportation of loads consisting of baled cotton, paper, and jute.

(10) Under existing law, any violation of a provision of the Vehicle Code is an infraction unless otherwise specified

This bill would clarify the provisions making a violation of the rules and regulations adopted by the Department of the California Highway Patrol relating to operation and maintenance of schoolbuses a misdemeanor and would expressly require the department to adopt those regulations.

(11) Existing law provides a procedure under which an arresting officer may permit the arrested person to execute a notice containing a promise to correct for certain registration, license, or equipment violations.

This bill would extend that authorization to execute a notice to correct to additional specified equipment violations.

(12) Existing law exempts cotton module movers from registration if the vehicle displays an identification plate and meets all equipment and device requirements

This bill would make a technical change to those provisions to correct an erroneous

cross-reference

(13) The bill would incorporate additional changes in Section 34506 of the Vehicle Code, made by AB 366, to be operative only if both this bill and AB 366 are chaptered and this bill is chaptered last.

(14) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 775 (AB 1493) Wray. Vehicles: offenses.

(1) Existing law provides that an owner who has made a bona fide sale or transfer of a vehicle, delivered it to the purchaser, and complied with stated provisions, is not thereafter subject to civil liability for operation of the vehicle.

This bill would also provide that such person is not criminally liable for operation of the vehicle.

(2) Existing law prohibits the driving, stopping, or parking of any vehicle or animal on specified types of publicly owned or maintained property, except as may be permitted, conditioned, and regulated by the governing board or officer having jurisdiction over the property.

This bill would make these provisions applicable to any property under the control of a harbor district.

(3) Under existing law, it is an infraction for the driver of a vehicle to fail to obey a sign or signal erected or maintained to carry out the provisions of the Vehicle Code or a local traffic ordinance or resolution. Existing law also makes it an infraction to violate various stopping, standing, or parking statutes or ordinances.

This bill would except the stopping, standing, and parking violations from the prohibition against failing to obey the signs and signals.

(4) Existing law authorizes the deposit of bail by a person who promised to appear, and permits that deposit by personal check, before specified dates.

This bill would also authorize deposit of bail before the time to appear contained in a notice of a parking violation and permit that bail to be deposited by personal check.

(5) Existing law provides for a notice of violation for parking offenses to be issued to owners of unattended vehicles, and prescribes the procedure for giving that notice to the person charged before a warrant for arrest may be issued.

This bill would add a procedure to require dismissal if a mailed notice is returned and the person charged has sold or transferred the vehicle. It would also provide that, upon return of the notice to the court with any indication that the notice was not delivered to the person charged, the court shall inquire of the department, before issuing a warrant of arrest for a resident of this state, whether or not the person has sold or transferred the vehicle. For parking violations, the bill would require a copy of a certificate of adjudication of the matter to be provided the person charged or that person's representative in addition to filing the certificate with the Department of Motor Vehicles.

(6) The bill would also make other technical and conforming changes.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 776 (AB 1039) Sher. Significant natural areas.

Existing law authorizes the Department of Fish and Game to acquire ecological reserves managed in accordance with rules and regulations promulgated by the Fish and Game Commission, but makes no provision for the establishment of a specific program administered by the department to identify and ensure the maintenance of significant natural areas, including areas under private ownership and control, utilizing a data management system.

This bill would establish the Significant Natural Areas Program to be administered by the department, as specified, to identify and seek the maintenance of significant natural areas, as defined. The bill would require the department to maintain, expand, and keep current a data management system, designated the California Natural Diversity Data Base. The bill would specifically provide that no authority or responsibility provided by the bill would of itself change or prevent the change of the use of any area identified pursuant to the program.

**Ch 777 (AB 448) Ingalls.** Fees collected by the Secretary of State.

Existing law specifies the fees for the filing of various documents with the Secretary of State.

This bill would revise the amount of those fees, as specified.

**Ch 778 (AB 791) Bane.** State agency investigations: divulging information

Existing law: authorizes the head of each state department to make investigations and prosecute actions concerning business matters and subjects under its jurisdiction, any violation of laws, rules, or orders of the department, and other matters as provided by law, authorizes the head of each state department to, among other things, inspect books and records and issue subpoenas for the attendance of witnesses and the production of documents and testimony in any inquiry, investigation, hearing or proceeding pertinent thereto and to request the aid of the Attorney General or district attorney in any investigation, hearing, prosecution, or trial under the laws which the department is required to administer; makes the divulging by an officer of information acquired from books, papers, or documents regarding confidential or private matters a misdemeanor and disqualifies that person from acting in any official capacity in the department; permits, at the request of a prosecuting attorney or the Attorney General, any state agency, bureau, or department to assist in conducting an investigation of any unlawful activity involving matters within or reasonably related to the jurisdiction of the agency, bureau, or department.

This bill would authorize a state department head, in connection with those investigations and actions, to divulge evidence of unlawful activity discovered, pursuant to existing law, from records or testimony not otherwise privileged or confidential, to the Attorney General or any prosecuting attorney who has a responsibility for investigating the unlawful activity discovered and would except these disclosures from the above misdemeanor provision.

**Ch 779 (SB 435) Greene.** Workers' compensation policies.

Existing law provides that an insurer may issue a workers' compensation policy insuring an organization or association of employers as a group if the organization or association complies with various conditions, including filing with the Insurance Commissioner or a designee, certain statements and agreements relating to the occupation of its membership in a common trade or business. For the purposes of the provisions relating to workers' compensation policies, a common trade or business means, for all enterprises other than those specifically described, operations in which the principal payroll develops under a single manual classification.

This bill would provide that for such unspecified enterprises, operations in which the principal payroll develops under a combination of classifications, as specified, are also considered a common trade or business for the purposes of the provisions relating to workers' compensation policies.

Existing law provides that for specified provisions relating to workers' compensation policies insuring an organization or association of employers as a group, the term "principal payroll" means not less than 51% of the total payroll for the preceding policy year or, in the case of an employer who has no preceding full-year's payroll, not less than 51% of his or her estimated annual payroll.

This bill would specify an exception to this definition and would also provide that principal or estimated annual payroll shall not include the payroll of employees who fall within a standard exception stated in the California Workers' Compensation Insurance Manual of Rules, Classifications, and Basic Rates.

This bill would further provide that an insurer may issue a workers' compensation policy insuring an organization or association of employers as a group if the organization

or association complies with various conditions, and also has had at least 50% of its present membership for at least 1 year prior to issuance of the policy and not less than 75% of the payroll of each employer to be insured under the group policy developed under the same 2 manual classifications or either one of these classifications for the preceding policy year. In the case of an employer who has had no preceding full-year's payroll, the latter requirement would apply with regard to his or her estimated annual payroll. However, classifications applicable to certain for-hire motor carriers would be excluded.

Ch. 780 (SB 441) Garamendi. Wages, hours and working conditions: ski employees.

Existing law requires the Industrial Welfare Commission to regulate the wages, hours, and working conditions of employees in this state

This bill would permit ski establishment employers to institute a regularly scheduled workweek of not more than 56 hours if the employees receive compensation for employment in excess of 56 hours per week at not less than 1½ times the regular rate.

Ch. 781 (SB 492) Carpenter. Sales and use taxes: mobilehomes

Under existing interpretations of the State Board of Equalization, that portion of the use tax paid on a mobilehome which is not attributable to the value of the mobilehome as personal property is refundable

Consistent with this interpretation, Chapter 863 of the Statutes of 1979 required the Department of Motor Vehicles to notify persons who had purchased used mobilehomes through a dealer, as prescribed, and on which registration was transferred during the period from January 1, 1977 to January 1, 1980, that they may be entitled to a refund of the use tax paid on that portion of the purchase price attributable to items which were not part of the mobilehome as a vehicle. It also specified that the State Board of Equalization, upon proof that use tax had been paid on items which were not part of the mobilehome as a vehicle, was required to refund the overpayment to the purchaser.

Chapter 1149 of the Statutes of 1980, as a part of a general revision of law relating to the titling, registration, and taxation of mobilehomes, repealed the provision specifying the board's duty to refund the overpayments of use tax referred to above.

This bill would reenact that provision.

Existing Sales and Use Tax Law, with certain exceptions, prohibits the board from approving refunds for overpayments of those taxes for which a claim has not been filed with the board within a specified period

This bill would provide that, notwithstanding this prohibition, specified purchasers entitled to a refund of the use tax paid on that portion of the purchase price of the mobilehome attributable to items which are not part of the mobilehome as a vehicle shall be entitled to file a claim for refund until December 31, 1982

Ch. 782 (SB 889) Boatwright. Medical information

Under existing law set forth in the Confidentiality of Medical Information Act, the unauthorized acquisition and disclosure of medical information about a patient by a person requesting that information for employment or insurance related purposes is prohibited except in certain situations. The provisions of the Confidentiality of Medical Information Act which are applicable to private persons have been suspended until July 1, 1981

Existing law also contains other provisions regulating the collection, use, and disclosure of information gathered in connection with insurance transactions.

This bill would repeal the existing Confidentiality of Medical Information Act and would enact new provisions prohibiting the unauthorized disclosure of medical information by a provider of health care, and prohibiting the unauthorized use or disclosure of medical information by an employer, except in certain situations. A violation of these provisions would entitle a patient to recover compensatory and other civil damages, as specified. A violation which results in injury to a patient would be punishable as a misdemeanor

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Fi-

nance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 783 (SB 773) Boatwright Bank and Corporation Tax Law- deductions.**

Under the Bank and Corporation Tax Law, the corporation income tax is levied on or measured by the taxpayer's net income, which means the taxpayer's gross income, less allowable deductions. The deductions include, among other prescribed items, dividends received by a corporation commercially domiciled in California during the income year from an insurance company subject to a specified tax at the time of the payment of the dividends and at least 80% of each class of its stock then being owned by the corporation receiving the dividend. If the insurance company from which the dividends are received has gross income from sources either within or without the state, the deduction is limited to that portion of the dividend received which corresponds to the average percentage determined by applying a specified allocation formula.

This bill instead would provide that the deduction shall be limited to that portion of the dividends received which are determined to be paid from income from California sources, as specified.

This bill would take effect immediately as a tax levy, but would be applied in the computation of taxes for income years beginning on or after January 1, 1982.

**Ch. 784 (SB 952) Carpenter Schools: classified employees**

(1) Under existing law, any school district may adopt a merit system relating to its classified employees. Any district adopting the merit system is required to appoint a 3-member personnel commission to insure the efficiency of the service and the selection and retention of employees on the basis of merit and fitness.

Existing law specifies that the commission shall classify all employees and positions within the jurisdiction of the governing board or of the commission, except those specified as being exempt from the classified service.

This bill would specify that "to classify" includes, but is not limited to, allocating positions to appropriate classes, arranging classes into occupational hierarchies, determining reasonable relationships within occupational hierarchies, and preparing written class specifications.

(2) Existing law requires that the commission prescribe and amend rules necessary to effectuate the purposes of existing law, and provides that the rules shall be binding upon the governing board.

This bill would also require that the commission interpret the prescribed rules adopted for these purposes.

This bill would prohibit the prescribed rules from applying to bargaining unit members if the subject matter is within the scope of representation, as defined, and is included in a negotiated agreement.

(3) Existing law requires that the commission appoint a personnel director and appoint all other employees paid from funds budgeted for the support of the commission and specifies that these employees are to be classified as employees of the district and are to be accorded all the rights, benefits, and burdens of any other classified employees serving in the regular service of the district.

This bill would require the commission to supervise the activities of employees that are performed as part of the functions of the commission.

This bill would include in the rights, benefits, and burdens accorded commission employees representation by the appropriate exclusive representative, if any.

~~(4) Existing law requires that the counsel of the governing board shall aid the commission in all legal matters, unless he or she refuses, in which event the commission may employ its own attorney and charge the costs thereof against the general funds of the district.~~

~~This bill would also extend the authority of the commission to employ its own attorney to situations where a conflict of interest exists on the part of the counsel of the governing board.\*~~

~~(5) [(4)]\* Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school~~

districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

~~(6)~~ [(5)]\* This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

**Ch. 785 (SB 843) Alquist Earthquake safety education.**

Under existing law, there is no express provision for a public earthquake safety education program.

This bill would enact the California Earthquake Education Act of 1981 to establish a pilot project in Alameda, Contra Costa, and Los Angeles Counties to develop, test, and evaluate programs for earthquake safety education. The bill would authorize the Seismic Safety Commission to contract with the University of California to develop a program for earthquake education and preparedness for use in communities in those counties. The bill would specify the elements and objectives of the project, and would make legislative findings and declarations in this connection.

The act would remain in effect only until January 1, 1984, unless that date is extended or deleted by a later enacted statute chaptered before that date.

The bill would appropriate \$250,000 from the California Environmental License Plate Fund to the commission for expenditure for those purposes.

**Ch. 786 (SB 846) Sieroty. Revenue Bond Law of 1941**

(1) Under the existing Revenue Bond Law of 1941, local agencies are authorized to issue revenue bonds to provide funds for the acquisition, construction, improvement or financing of an enterprise, as defined, and to collect charges for the services furnished by the enterprise. Existing law permits the local agency to discontinue any and all service for which a bill is rendered if all or part of a bill is not paid.

This bill would permit the local agency, under specified circumstances, to discontinue only that service related to the component of the bill which is not paid, with a specified exception, unless any of the services for which a bill was rendered were financed pursuant to revenue bonds issued prior to January 1, 1982, and not retired, in which case the local agency would be authorized to continue to apply the provisions of existing law.

The provisions of the bill would apply to counties and cities, whether general law or chartered.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

**Ch. 787 (SB 590) Rains. Insanity.**

Existing law provides for examination and investigation of the sanity of a defendant who pleads not guilty by reason of insanity, and for testimony relative thereto.

This bill would require the examination and investigation of specified matters relative to the mental status of the defendant, would state that a psychiatrist or psychologist is not presumed able to determine sanity or insanity, and would provide for the admission or exclusion of evidence by the court.

**Ch. 788 (SB 812) Vuich. Fire prevention: county cooperative agreements**

Under existing law, the Director of Forestry is required to enter into a cooperative agreement with any county with a population of 130,000 or less, when any such county so requests, for the purpose of preventing and suppressing forest fires or other fires within the county, upon such terms and under such conditions as are mutually determined by the parties to be necessary or desirable to accomplish that purpose.

This bill would instead authorize the director, with the approval of the Department of General Services and subject to specified restrictions, to enter into such a cooperative agreement with any county, other than a county which has elected to assume responsibility for fire prevention and suppression pursuant to specified provisions, that has an area in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state, as determined by the State Board of Forestry pursuant to existing law.

The bill would make related changes.

**Ch. 789 (SB 713) Petris. State Bar of California.**

Existing law does not require an attorney or law firm which receives or disburses trust funds to establish an interest bearing demand trust account and to deposit therein all client deposits that are nominal in amount or are on deposit for a short period of time, the earnings on which are to be paid to the State Bar to be used for programs for free legal services to indigent persons, especially underserved client groups, as specified.

This bill would impose such a requirement, upon the adoption of a specified resolution by the Board of Governors of the State Bar. It would specify that the deposits may be in a single unsegregated account. It would authorize the State Bar, with the approval of the Supreme Court, to formulate and enforce rules of professional conduct pertaining to the use of interest bearing trust accounts for unsegregated client funds. It also would authorize qualified legal services projects and support centers receiving funds under the program to use the funds to provide work opportunities with pay, and where feasible, scholarships for disadvantaged law students, to help defray their law school expenses.

**Ch. 790 (SB 411) Foran. Transportation**

(1) Existing law imposes a tax on motor vehicle fuel at a rate of 7 cents per gallon.

This bill would repeal obsolete provisions of law which had authorized imposing a tax on motor vehicle fuel at a rate of 8 cents per gallon for a specified period during 1969.

(2) This bill would require that, if a local motor vehicle fuel tax is imposed in Los Angeles County pursuant to proposed legislation authorizing a county to impose that tax, the percentage of the tax revenues spent in the San Fernando Valley Statistical Area be not less than the percent that the population of the area is of the total county population.

(3) Under existing law, the Department of Transportation is required to conform with specified federal rules and regulations regarding minority business enterprises when awarding contracts that are federally funded.

This bill would require the department to develop a program to implement provisions comparable to those rules and regulations that would be applicable to highway contracts awarded by the department that are solely state funded.

**Ch. 791 (SB 612) Sieroty. Private postsecondary educational institutions**

(1) Existing law provides specified procedures which private, postsecondary institutions must follow in order to secure authorization to operate and to confer, or issue diplomas and degrees from the Superintendent of Public Instruction. These provisions will be terminated on July 1, 1982.

Under existing law, private postsecondary educational institutions are prohibited from awarding academic degrees unless they: (1) are accredited by a recognized accrediting agency, (2) are approved by the Superintendent of Public Instruction, the approval being based upon a determination that an adequate educational program exists, or (3) file affidavits relating to the educational program and financial resources of the institution.

This bill would require that the Council for Postsecondary Educational Institutions impanel a special committee of technically qualified persons to develop standards to be used in the review and authorization of institutions which operate under item (3). The bill would require the committee to submit these standards to the council before September 1, 1982, and that the council accept or reject the standards by January 1, 1983. The members of the special committee would serve without compensation.

This bill would require the council, prior to July 1, 1983, to submit to the Legislature recommendations for a revision of item (3)

The bill would provide specified revisions of item (3) to be effective July 1, 1983

This bill would also revise, with various substantive changes, certain other provisions relating to these procedures, including the inclusion of a requirement that institutions provide instruction, as defined

This bill would make specified provisions of the Education Code applicable to specified institutions which train cosmetologists and barbers

In addition, this bill would repeal the provision that terminates specified provisions relating to private postsecondary institutions on July 1, 1982, and would instead repeal these provisions July 1, 1986.

(2) Existing law provides a fee schedule which governs fees to be paid by specified private institutions for the approval of these private institutions.

This bill would revise the fee schedule for the approval or authorization of specified private institutions. The bill would require the superintendent to establish and maintain a Private Postsecondary Education Administration Fund and would continuously appropriate all fees collected under this bill to the State Department of Education to be credited to this fund

#### Ch 792 (SB 672) Sieroty Subpoenas

(1) Under existing law, a person is not obliged to attend as a witness in any investigation or proceeding of the Commission on Judicial Qualifications at a place out of the county in which he resides unless the distance is less than 150 miles from his place of residence.

This bill would require such attendance if the person is a resident within the state at the time of service

(2) Under existing law, the head of a department of state government has authority to issue a subpoena for the attendance of witnesses and the production of things for any inquiry, investigation, hearing, or proceeding. Existing law permits the delegation of this authority and specifies procedures

This bill would provide that the Chairman of the Board of Prison Terms, the Chairman of the Youthful Offender Parole Board, and the Chairman of the Narcotic Addict Evaluation Authority have that authority. The bill would require these agencies to adopt specified regulations

#### Ch 793 (SB 347) Greene Unemployment compensation disability benefits

Existing law provides that an individual's "weekly benefit amount," for purposes of unemployment compensation disability benefits, is determined by reference to a table which specifies a weekly benefit amount ranging from \$30 to \$154, depending on the amount of wages paid in the highest quarter of the individual's disability base period. Money is continuously appropriated from the Disability Fund for the purpose of providing the benefits

This bill would revise the table to specify a weekly benefit amount ranging from \$50 to \$175

Existing law requires any employer who elects to pay unemployment insurance disability benefits pursuant to a voluntary plan but whose liability to pay the benefits is not assumed by an admitted disability insurer, to file a bond or deposit securities with the Director of Employment Development to ensure payment by the employer pursuant to the plan

This bill would change the formula for determining the minimum amount of the bond or deposit

#### Ch 794 (AB 1534) Berman Direct services contracts

Under existing law there are no general statutory requirements for direct human services contracts

This bill would enact those requirements for departments within the Health and Welfare Agency

#### Ch 795 (AB 1613) Berman Paramilitary activities.

Existing law makes it a crime punishable by imprisonment in the county jail for not



more than 1 year or a fine of not more than \$1,000, or both for 2 or more persons to assemble as a paramilitary organization, as defined, for the purpose of practicing with weapons.

This bill would provide the same punishment for any person who teaches or demonstrates to any other person the use, application, or making of any firearms, explosive or destructive device, as defined, or technique capable of causing injury or death to persons knowing or having reason to know that such objects or techniques will be unlawfully employed for use in or in the furtherance of a civil disorder, and for any person who assembles with other persons for the purpose of training or practicing with or being instructed in the use of any firearm, explosive, or destructive device, or technique causing injury or death to persons with the intent to cause or further a civil disorder.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 796 (SB 1053) Davis. Readers for blind students.**

The community colleges, the California State University and Colleges, the University of California, and the State Department of Rehabilitation currently provide various services to disabled postsecondary education students.

This bill would provide that services for disabled students which are being transferred from the State Department of Rehabilitation to the California community colleges and the California State University and Colleges would be provided by them at a level no less than the level at which they were provided by the department on July 1, 1981.

The bill would require these college systems to adopt regulations by January 1, 1982.

This bill would also authorize the Regents of the University of California to comply with these provisions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 797 (SB 1044) Sieroty Religious corporations**

Under existing law, where property has been solicited or received by a religious corporation from the general public based on a representation that it would be used for a specific charitable purpose, the Attorney General may bring an action to enforce the charitable trust in certain circumstances.

This bill would provide that where property has been solicited and received from the general public, as defined, based on the representation that it would be used for a specific charitable purpose, the Attorney General may bring an action to enforce the specific charitable purpose, in certain circumstances.

Under existing law, property solicited or received from the general public based on a representation that it would be used for a specific charitable purpose may be devoted to the general purposes of the religious corporation if it becomes impractical or impossible for the corporation to devote the property to the specified charitable purpose, if approved in good faith by the directors.

This bill would also permit the members of the corporation, or the board of directors to ratify or approve in good faith the use of the property for the general purposes of the corporation under those circumstances. It would also permit the board of directors or members of the corporation to devote that property to the general purposes of the corporation if they expressly conclude and record in writing that the stated purpose for which the property was contributed is no longer in accord with the policies of the corporation.

This bill would provide that specified provisions relating to the Attorney General's

powers with respect to religious corporations do not affect individual rights of action, as defined, and do not require express statutory authorization for lawful and authorized actions by local government.

**Ch 798 (SB 1029) Carpenter Health care service plans: pharmacies**

Existing law prohibits the State Board of Pharmacy from issuing any new permit or renewing any existing permit after January 1, 1985, to (1) any person who is authorized to prescribe or write a prescription in this state, (2) any person with whom a person so authorized to prescribe shares a community or financial interest in the permit sought, and (3) a corporation which is controlled by or in which 10% or more of the stock is owned by a person specified in (1) or (2).

Under existing law, the Knox-Keene Health Care Service Plan Act of 1975 authorizes health care service plans and specialized health care service plans to solicit or advertise with regard to the cost of subscription, enrollment, facilities and services rendered. Existing law specifically authorizes a health care service plan to directly own, or operate through its professional employees or contracted licensed professionals, offices which are necessary to provide health care services to the plan's subscribers and enrollees.

This bill would permit the issuance of a new or renewal permit for a pharmacy to be owned or owned and operated, as specified, under the above-prescribed provisions of the Knox-Keene Health Care Service Act of 1975 whose ownership includes persons authorized to write a prescription or persons with whom a person so authorized to prescribe shares a community or financial interest in the permit sought.

Existing law provides that recipients under the Medi-Cal program shall be required to make a copayment in order to receive specified services.

This bill would prohibit a copayment from being charged by a physician-owned health maintenance organization pharmacy.

**Ch 799 (AB 815) Wyman Transportation: local transportation funds apportionment.**

Under the Mills-Alquist-Deddeh Act, after allocations for specified purposes, apportionments of funds for those areas served by operators in counties of 500,000 or more, as determined by the 1970 federal decennial census, except counties with more than 4,500 miles of maintained county roads, are required to be allocated only for public transportation purposes.

This bill would revise the exception requirement to specify its application to counties with more than 4,500 miles of maintained county roads as of 1970.

The bill would also make a related change.

**Ch 800 (AB 2093) Kapiloff Public agencies: financial audits**

Existing law prescribes requirements for fiscal audits of specified public agencies, including counties, joint powers authorities, various special districts, and all state and local retirement systems.

(1) Existing law requires an annual financial audit of joint powers authorities, except that one whose annual budget does not exceed \$500 may, with approval of the contracting parties, replace the annual audit with an audit covering a 2-year period.

This bill would authorize a biennial audit for any joint powers authority, under the conditions presently specified for an authority having a budget not exceeding \$500.

(2) Existing law requires an annual financial audit of special districts, except that one whose budget does not exceed \$1,000 may, with approval of the county board of supervisors, replace the annual audit with an audit covering a 5-year period.

This bill would authorize a biennial audit for any special district or a 5-year audit if the district budget does not exceed a sum specified by the county board of supervisors, for any special district, under the conditions presently specified for a district having a budget not exceeding \$1,000.

(3) Under existing law, all state and local retirement systems must submit audited financial statements to the State Controller within 6 months of the close of the fiscal year.

This bill would, also require such statements to be submitted at the earliest practicable opportunity.

(4) Existing law requires a county grand jury to investigate and report upon the needs of county officers, such investigation and report to be conducted selectively each year,

but at least once every 8 years with respect to each county officer

This bill would delete the requirement that the grand jury investigate and report upon the needs of each county officer at least once every 8 years

(5) Existing law requires an annual audit of the financial accounts and records of all county officers having responsibility for money of the county.

This bill would require that the audit be conducted at least biennially, rather than at least every 12 months

**Ch. 801 (AB 1097) Costa Processors of farm products.**

(1) Existing law regulates processors of food products, as defined, and, among other things, requires processors of certain products to file reports with the Director of Food and Agriculture showing tonnages of products processed during specified times. No specific provision is made for processors of walnuts, raisins, or prunes.

This bill would specifically require that processors of walnuts, raisins, or prunes annually furnish reports according to a prescribed schedule to the director containing specified information regarding the tonnages of these products handled by the processor in that crop year. The director would have specific duties in collecting and summarizing the reports and could assess each processor of walnuts, raisins, or prunes up to \$0.12 per handled dry ton for raisins and prunes and \$0.12 per inshell dry ton for walnuts to cover the costs of administering these reporting requirements and the funds would be deposited in the Department of Food and Agriculture Fund, a continuously appropriated fund.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 802 (AB 1073) Herger. Pest control**

(1) Existing law establishes the Agricultural Pest Control Advisory Committee to advise the Director of Food and Agriculture on all matters concerning the education, examination, and qualifications of agricultural pest control advisers.

This bill would delete obsolete provisions, regarding the initial terms and appointments of certain members of the committee on January 1, 1977.

(2) Existing law enumerates various prohibited practices with regard to pesticide dealers, including failure to comply with provisions regulating pesticide dealers.

This bill would make various technical changes in these provisions, and would specifically include within the prohibited practices any failure to comply with specified existing requirements regarding the agricultural pest control operations and agricultural chemicals.

(3) The bill would make a further technical, nonsubstantive change.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 803 (AB 1899) Bane. Secondhand goods: secondhand dealers**

Existing law defines the term "secondhand dealer" for the purposes of the law relating to secondhand tangible personal property.

This bill would exclude any person who performs the services of an auctioneer for a fee or salary from the definition for a secondhand dealer.

**Ch. 804 (AB 1366) Greene. Bingo**

(1) Existing law permits cities, counties, and cities and counties to allow by ordinance bingo games to be conducted by specified organizations for charitable purposes. Existing

law requires that an organization authorized to conduct bingo games conduct bingo games only on property owned or leased by an authorized organization and used by the organization for an office or for the performance of the purposes of the organization.

This bill would also allow the bingo games to be conducted on property the use of which is donated to the organization and which property is used as specified above.

(2) Existing law permits the use of bingo receipts for operating expenses. With respect to nonprofit organizations the amount which may be used for operating expenses is 10% of the receipts before the deduction for prizes or \$500 per month, whichever is less.

This bill would provide that operating expenses include security equipment and security personnel and that for operating expenses the nonprofit organizations may use 20% or \$1,000 of the receipts after prizes per month, whichever is less per month.

The bill would also define certain terms and make related changes

**Ch. 805 (AB 773) Ingalls. Controller. late state agency financial reports—withholding penalty.**

Existing statutes require the Controller to make various reports on state revenues and expenditures and to obtain various financial reports from state agencies.

This bill would authorize the Controller, if any state agency fails to furnish a required, complete and accurate financial report within 20 days of the prescribed date, to withhold any or all operating funds from the agency, upon notification to specified legislative committees, until it provides a complete and accurate report. The provision would not be applicable to specified public retirement system reports.

**Ch 806 (AB 1307) Moore. Collection agencies**

Under existing law relating to the regulation and to the licensure, certification, or registration of collection agencies, their managers, and their employees, the Director of the Department of Consumer Affairs or the Chief of Collection and Investigative Services is authorized to issue a provisional qualification certificate to an individual who meets all the requirements for a qualification certificate except that of collection experience within California, as specified.

This bill would repeal all provisions relating to the issuance of a provisional qualification certificate and to the regulation of a provisional qualification certificate holder.

Existing law provides that an applicant for a qualification certificate shall, among other things, have been actively engaged in the collection agency business for at least 1 year during the 5 years next preceding the date of application.

This bill would provide, instead, that an applicant shall have been actively engaged in the collection agency business for at least 1 year in this state or 2 years in another state during the 5 years next preceding the date of application.

Under existing law, if an application for a new license or an application for a change in ownership is rejected, a statement of issues for a hearing is required to be filed and served upon the applicant within 30 days of the notice of rejection.

This bill would repeal this provision.

Under existing law, a registered person, as specified, is required, on or before June 30 of each year, to apply for continuation of his or her registration and pay the registered employee continuation fee, as prescribed. In addition, a licensee is required, within 15 days after notification by the chief of the noncontinuance of the registration of any employee of the licensee, to notify the chief of the termination of employment of the employee, unless the employee has, within those 15 days, applied for continuation of registration and paid a continuation fee, as specified.

This bill would repeal these provisions and provide instead that the Bureau of Collection and Investigative Services shall send a notice of noncontinuance of a registration 30 days prior to the expiration of a registration, and that upon receipt of a notice of noncontinuance of a registration from the bureau, a registered employee shall, within 30 days of the notification, apply for a continuation of his or her registration and pay the registered employee continuation fee, as prescribed. The bill would also permit the renewal of an expired registration within 30 days after the date of expiration provided that an application for continuation has been submitted together with a remittance for the payment of the continuation fee and delinquency fee, as prescribed. The registration continuation delinquency fee would be paid into the continuously appropriated Collec-

tion Agency Fund and would be equal to the amount of the registration continuation fee plus a penalty of 50% thereof notwithstanding a general provision of law which declares that a delinquency fee shall be 50% of the renewal fee, but not more than \$25

Under existing law, every applicant for licensure is required to file with the chief a surety bond in the penal sum of \$5,000, as specified

This bill would increase the amount of the bond to \$10,000. This bill would also permit the applicant, in lieu of filing such a bond, to deposit with the state cash, evidence of deposit, investment certificates, or share accounts in the sum of \$10,000, as specified

Under existing law, the director may appoint a conservator to take possession of the assets of a licensed collection agency if the agency has failed to dispose of assigned accounts and judgments within 90 days after having ceased to be engaged actively in the collection agency business, as defined

This bill would instead provide that the director may appoint the conservator to take possession of the agency's assets if the agency has failed to dispose of assigned accounts and judgments within 30 days, rather than 90 days, after having ceased to be engaged actively in the collection agency business

Under existing law, whenever a licensee ceases to be engaged actively in the collection agency business, he or she is required to dispose of accounts assigned to him or her by specified means, including the sale or transfer to another licensee of the right to solicit reassignment of all uncollected accounts

This bill would require the licensee, within 30 days of ceasing business, to inform the bureau in writing of the manner in which the accounts have been disposed of, including the name of any agency to which the right to solicit has been sold. A licensee who fails to properly dispose of accounts within 30 days of ceasing business is guilty of a misdemeanor and punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding 1 year or by both fine and imprisonment

Existing law provides that when an audit of a licensee is performed under certain circumstances the cost of the audit shall be charged to and paid by the licensee in accordance with rates established by regulations adopted by the director. If a licensee fails to pay the charge within 60 days after notice of the charge, his or her license is required to be revoked

This bill would provide, instead, that the cost of an audit, as specified, shall be charged to and paid by the licensee at a rate of \$21 per audit hour, as defined. This bill would also provide that prior to the conduct of an audit, the licensee shall be given written notice of the discrepancies or violations and allowed 15 days from the receipt of the notice to submit a written reply which provides information that eliminates the need for an audit. This bill would further provide that upon completion of an audit, as specified, the bureau shall provide written notice to the licensee of the charge due, and that if the licensee fails to pay the charge within 30 rather than 60 days after the date of the bureau's notice, his or her license shall be revoked

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

#### Ch 807 (AB 362) Imbrecht Limited partnerships

California has adopted the Uniform Limited Partnership Act

This bill would repeal that act and enact a new comprehensive law relating to limited partnerships. In particular it would provide for

- (1) Reservation of the name of a limited partnership with the Secretary of State,
- (2) Filing of the certificate of limited partnership with the Secretary of State,
- (3) A requirement that each limited partnership maintain an office, and an agent for the service of process in this state,
- (4) The rights and liabilities of limited partners,
- (5) Provisions governing the finance, distributions and withdrawals, assignment of limited partnership interests and dissolution of limited partnerships,
- (6) Provisions governing the registration of foreign limited partnerships transacting

intrastate business, together with the liabilities attendant upon failure to register;

(7) Authorization of a class action to enforce claims common to the limited partners and derivative actions on behalf of the partnership; and

(8) Giving of certain powers to the Attorney General with respect to limited partnerships

This bill would not apply to any limited partnership organized under the laws of this state and in existence on its effective date. The bill would impose various new filing fees and revise specified filing provisions as to any corporation or limited partnership. It would be operative, except as specified, on January 1, 1983.

**Ch. 808 (SB 523) Alquist. Transportation: passenger rail services.**

Under existing law, the Department of Transportation is authorized to negotiate and, if feasible, to contract with the appropriate railroad corporation to provide passenger rail service between San Francisco and San Jose and points in between, and to extend passenger rail service to points south of San Jose which are within Santa Clara County, except that state funds are prohibited from being committed or expended for extension of passenger rail services to points south of San Jose unless there is an appropriation in the Budget Act for that purpose.

This bill would instead authorize the department to negotiate and, if feasible, to contract for passenger rail service between San Francisco and the Cities of Monterey and Santa Cruz via Watsonville, or any combination of common points, and would delete the prohibition against the expenditure of state funds for extension of passenger rail service to points south of San Jose unless there is an appropriation in the Budget Act for that purpose.

The bill would authorize a transit district or county to negotiate and contract with the appropriate railroad corporation to provide passenger rail service operated primarily within its jurisdiction. Adjacent counties or transit districts would be authorized to jointly negotiate with the appropriate railroad corporation.

**Ch. 809 (AB 48) Agnos. Workers' compensation: asbestos workers.**

(1) Existing law generally permits the payment of workers' compensation temporary disability and medical benefits to asbestos workers with asbestosis out of the Asbestos Workers' Account in the Uninsured Employers Fund when the responsible employer cannot be located or fails to provide compensation within 30 days. Reimbursement of the Asbestos Workers' Account by employers determined to be liable for the asbestosis injury is required, and the Asbestos Workers' Account is required to file a lien against workers' compensation benefits for all moneys paid as compensation benefits and recoverable costs.

This bill would also permit the Workers' Compensation Appeals Board to allow a lien against compensation for all benefits provided and recoverable costs paid by the Asbestos Workers' Account

(2) Chapter 1041 of the Statutes of 1980 stated the intent of the Legislature that funding for administrative costs associated with implementation of that act shall come from redirection of the state funds appropriated for the base budget of the Department of Industrial Relations in the 1980-81 to 1984-85 fiscal years.

This bill would repeal that provision.

(3) Chapter 1041 of the Statutes of 1980 appropriated \$2,625,000 from the contingency reserve for economic uncertainties in the General Fund to the Asbestos Workers' Account.

This bill would instead appropriate such amount from the General Fund to the Asbestos Workers' Account

(4) This bill would require the Controller to report to each house of the Legislature on or before January 1, 1982, on the money received and spent by the Asbestos Workers' Account.

(5) This bill would take effect immediately as an urgency statute.

**Ch. 810 (AB 344) Thurman Parent and child**

Existing law provides that upon the filing of a petition to declare a minor free from the custody and control of either or both of his or her parents, the juvenile probation officer or the county department designated to administer the public social services

program of the county in which the minor resides, is required to render to the court a written report of the investigation of the circumstances of the minor and a recommendation as to the proper disposition of the matter.

This bill would require the report to contain specific statements relating to the explanation required to be given by the person making the report of the nature of the legal action involved and the minor's feelings, attitudes, and knowledge of his or her rights, as specified.

Existing law provides that upon the filing of a petition to declare a minor free from parental custody and control, a citation shall issue requiring any person having the custody or control of the minor or the person with whom the minor person is, to appear with the minor as stated in the citation, except, if the minor is under the age of 12, upon order of the court after necessity being shown.

This bill would change the scope of application of this exception to minors under the age of 10. The bill would also require, with certain exceptions, that a minor who is the subject of such a petition and who is 10 years or older, be heard by the court in chambers with respect to his or her feelings and thoughts, as specified.

Existing law delineates a procedure for the bringing of an action for the purpose of having a minor declared free from the custody and control of either or both parents. At the request of the minor or his or her parent the court is required to explain the nature of the proceeding to the minor, as specified. The court is authorized to appoint a suitable party to act in behalf of the minor. Further, both the minor and the parents of the minor are entitled to be represented by counsel and the court is authorized to appoint private counsel or the public defender to so represent the minor and the parents of the minor. When private counsel is appointed costs are required to be borne by the real parties in interest, other than the minor, but if none of the real parties in interest is able to afford counsel, the costs of representation are borne by the county.

This bill would revise the above provisions to specify that the same counsel shall not be appointed to represent both the minor and his or her parent. It would provide that the minor shall not be present in court unless the court so orders or the minor so requests. It would authorize the court, as an alternative to appointing a guardian for a minor declared free of parental custody and control, to refer the minor to a licensed adoption agency for adoptive placement, if the State Department of Social Services or the agency so requests, or the court finds it is in the minor's best interests. In the case of a referral to a licensed adoption agency, it would however prohibit a hearing on a petition for adoption until the appellate rights of the natural parents have been exhausted also and would prohibit the filing of a petition for guardianship without the consent of the agency.

#### Ch. 811 (AB 100) Harris. Real property.

Existing law governing transfers of real property, with certain exceptions, generally makes no provision for the disclosure of information or the delivery of specific information to a prospective purchaser of the real property.

The bill would require the owner or subdivider, or his or her agent, of a unit in a condominium project, stock cooperative, or community apartment project, which was converted from an existing dwelling, to deliver to the prospective buyer, as defined, either a written statement listing all substantial defects or malfunctions in the major systems, as defined, in the unit and common areas, or a written statement disclaiming knowledge thereof. The disclaimer would be conditioned upon the carrying out of a reasonable inspection of the unit or the common areas of the premises.

This bill would also provide for actual damages for a willful violation of its provisions.

This bill would become operative on July 1, 1982.

#### Ch. 812 (AB 105) Lockyer. Public transportation: labor disputes

(1) Existing law contains provisions relating to employer-employee relations within the various local public agencies in the state, which presently provide that local public employees have a right to form, join and participate in the activities of employee organizations for the purpose of representation on all matters of employer-employee relations. The chosen employee organization has a right to represent its members and the scope of such representation includes wages, hours, and other terms and conditions of employment. Representatives of the public employer are required in this connection

to meet and confer in good faith and endeavor to reach agreement with the employee organization, and, if agreement is reached, to prepare a nonbinding memorandum of understanding and present it to the governing body of the public employer for determination

Collective-bargaining procedures are also specifically provided for in various statutes relating to transit districts throughout the state

This bill would provide that, notwithstanding any other provision of law, the following shall govern disputes between exclusive bargaining representatives of public transit employees and local agencies:

- (a) Factfinding procedures shall not apply.
- (b) Each party shall exchange contract proposals and begin formal collective bargaining within a specified time before the expiration of the existing contract
- (c) Each party shall supply the other party with such reasonable data as are requested by the other party
- (d) At either party's request, a conciliator from the State Conciliation Service shall be assigned to mediate the dispute and shall have access to all formal negotiations.

These provisions would not apply to local agencies subject to the Meyers-Milias-Brown Act which is summarized under (1) above

(2) Existing law expressly prohibits firefighters from striking but there is no similar express statutory prohibition for other public employees. The courts have generally held that in the absence of legislative authorization public employees do not have the right to strike. Certain statutory provisions relating to transit district employees have been construed by the courts as permitting lawful strikes by such employees.

This bill would authorize the Governor, after specified investigation, to direct the Attorney General to petition in court for an injunction against a strike or lockout for 60 days where the strike or lockout would significantly disrupt public transportation services and endanger the public's health, safety, or welfare. Strikes and lockouts during the investigation period would also be prohibited.

(3) This bill would not be applicable to any disputes between the exclusive bargaining representative of public transit employees and a local agency with a charter or establishing legislation which provides a time period for the negotiating process which is shorter than 60 days.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill provides that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 813 (SB 249) Foran. Vehicles

(1) Existing law defines a schoolbus as any motor vehicle used for the transportation of certain school pupils to and from a public or private school or to and from a public or private school activity with specified exceptions.

This bill would redefine a schoolbus as any motor vehicle designed, used, or maintained for the transportation of school pupils to or from a public or private school or to or from a public or private school activity. The bill would delete the exception for passenger vehicles designed for 8 or fewer persons and certain station wagons, and would add an exception for motortrucks with pupils only in the passenger compartment and passenger vehicles carrying 10 or fewer persons with exceptions. The bill would add exemptions for school pupil activity buses, as defined by the bill, under certain conditions, for motor vehicles operated by a carrier licensed by the Interstate Commerce Commission transporting pupils into the state, or for motor vehicles used to transport handicapped pupils confined to wheelchairs to or from nonschool activities, which are designed for, and actually carry, not more than 16 passengers.

(2) Existing law requires weekly inspections of schoolbuses and school pupil activity buses.

This bill would delete the requirement for these inspections to be made weekly.

(3) Under existing law, the owner or operator of a privately owned schoolbus is entitled to pay a \$10 fee for registration and licensing in lieu of all other fees required



by the Vehicle Code, except fees for duplicate plates, certificates, or cards, if: (A) the bus is owned by a private nonprofit educational organization, operated in accordance with prescribed rules and regulations, and used exclusively to transport school pupils, or school pupils and employees, of the private nonprofit educational organization; or (B) the bus is operated in accordance with the rules and regulations of the Department of Education and the California Highway Patrol, and used exclusively to transport school pupils, or school pupils and employees, of any public school or private nonprofit organization pursuant to a contract, as prescribed

This bill would include within the definition of a schoolbus, for the purposes of the \$10 fee for registration and licensing, any schoolbus used exclusively to transport students at or below the 12th-grade level to or from any school, education-related purpose, or activity sponsored by a nonprofit organization

(4) Existing law requires a driver of a farm labor vehicle to have a farm labor vehicle driver's certificate or a schoolbus driver's certificate. Existing law requires applicants to pass an examination prescribed by the Department of Motor Vehicles.

This bill would delete the alternative of having a schoolbus driver's certificate and make the requirement apply only when transporting farm worker passengers. The bill would require that applicants pass examinations prescribed by the Department of the California Highway Patrol and the Department of Motor Vehicles. The bill would delete the 2-year validity of those certificates and the renewal under conditions prescribed by the Department of Motor Vehicles.

(5) Existing law prescribes a speed limit of 25 miles per hour when passing a school, among other times, while children are going to or leaving the school during opening or closing hours

This bill would instead prescribe that speed limit while children are going to or leaving the school during school hours.

(6) This bill would also make conforming changes to other provisions of law relating to schoolbuses and school pupil activity buses.

(7) Existing law prohibits riders on certain unpowered vehicles from being towed by a motor vehicle

This bill would add motorcycles and motorized bicycles to that prohibition.

(8) Existing law prohibits the driving of, and the parking or leaving of, vehicles and animals on the grounds of schools, parks, airports, rapid transit districts, municipalities, hospitals, and educational facilities, unless permitted by the legislative or governing body of the entity.

This bill would include transit development boards and harbor districts among the enumerated governmental entities and would add to the prohibition the operation of bicycles, motorized bicycles, skateboards, and roller skates and the parking or leaving standing of bicycles or motorized bicycles.

(9) Existing law requires a motor vehicle, except as specified, to be equipped with backup lamps, which are restricted to projecting light to the rear of the vehicle.

This bill would permit any motor vehicle to be equipped with supplemental lamps designed to provide white light to areas to the side and rear not lighted by the backup lights, which lamps are lighted only with the backup lamps.

(10) Existing law permits passenger common carrier motor vehicle buses to be equipped with illuminated termini signs.

This bill would make those provisions apply to any bus, and would permit internally illuminated signs, as specified, inside the bus.

(11) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 814 (SB 575) Carpenter Court costs.

Under existing law, a prevailing party in a civil action is generally entitled to court costs, but court costs do not generally include all litigation expenses. However, in any action to review a determination of any administrative proceeding, where the determi-

nation of a public entity is shown to be the result of arbitrary or capricious action by a public entity or officer, the complainant is entitled to reasonable attorney's fees

This bill would enact the Carpenter-Katz Small Business Equal Access to Justice Act of 1981 which would provide that in any action between a small business or licensee of a state agency and a state regulatory agency involving the regulatory functions of a state agency as applied to the small business or licensee, if the small business or licensee prevails, and if the court determines that the action of the agency was undertaken without any substantial justification, the small business or licensee may, in the discretion of the court, be awarded reasonable litigation expenses, including those incurred in administrative proceedings, attorney's fees, and witness fees, not in excess of \$7,500. Such expenses, fees, and costs would be paid from funds in the regular operating budget of the agency where the appropriation therefor encompasses the payment of such expenses, and not from unappropriated money in the General Fund

The bill would define "small business" and "licensee".

**Ch 815 (AB 743) Bane. Small business administration loans.**

Under federal law, small business administration loans may be made in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis. Existing law does not specifically provide that savings and loan associations may make small business administration loans.

This bill would provide that a savings and loan association may make and purchase secured or unsecured small business administration loans if the Small Business Administration guarantees the loans or participates on an immediate or deferred basis and would provide that a savings and loan association may make small business loans guaranteed by other governmental programs.

**Ch. 816 (AB 2164) Bosco. Banks: liquidation by superintendent.**

Existing law provides that upon taking possession of the property and business of any bank, the Superintendent of Banks shall forthwith give notice of the fact to all persons holding or having in their possession any assets of the bank. A recent court case has interpreted this provision as requiring the giving of notice as a prerequisite to the taking of possession of the property and business of the bank.

This bill would provide that the giving of notice not be deemed to be a prerequisite to the taking of possession of the property and business of the bank. It would also state legislative intent.

Existing law permits the Superintendent of Banks to withdraw from the State Banking Fund the sum of \$20,000 to be used as a revolving fund in the operation of the department.

This bill would delete such provisions.

Existing law limits the obligation of any one person to a commercial bank at any one time to certain limitations, with specified exceptions.

This bill would additionally exempt from such limitations loans to the extent that they are covered by guarantees or by commitments to take over or to purchase without recourse made by any small business development corporation, urban development corporation, or rural development corporation incorporated pursuant to the California Job Creation Law.

Chapter 67 of the Statutes of 1981 enacted a new comprehensive scheme for licensure of foreign banking corporations.

This bill would make conforming changes with respect to that enactment.

**Ch 817 (AB 999) Wray. Building standards.**

(1) Existing law requires all building standards, except those relating to mobilehomes and mausoleums, adopted by state agencies to be approved and published in the State Buildings Standards Code, which supersedes all building standards adopted by state agencies and not so published on or before January 1, 1985. The State Building Standards Commission hears appeals relating to interpretation and enforcement of a building standard, excepting standards relating to mobilehomes and occupational safety and health. Existing law requires occupational safety and health building standards to be published in the State Building Standards Code and authorizes their publication in other provisions of the California Administrative Code if those other provisions include the

appropriate numbering of the State Building Standards Code. Existing law provides that the State Building Standards Code is to be published every 3 years, with annual supplements and emergency supplements when the commission determines it is necessary. Under existing law, occupational safety and health building standards, required by federal emergency temporary standards, become effective immediately as an exception to the requirement for publication in the State Building Standards Code. Existing law also provides for a coordinating council in the office of the Executive Secretary of the State Building Standards Commission, with prescribed review duties.

This bill would require the coordinating council to work with and assist an adopting agency in developing proposals for building standards, as specified.

This bill would redefine emergency standards for the purpose of the State Building Standards Law, as specified, and would require occupational safety and health standards to be published in the State Building Standards Code in the time required by federal law. The bill would authorize those standards to be published by the Occupational Safety and Health Standards Board in other provisions of the California Administrative Code if identified as a building standard therein. The bill would delete the prohibition on the board from adopting building standards except pursuant to the provisions of the State Building Standards Law.

This bill would delete statutory building standards from the provisions of the State Building Standards Code. The bill would change the definition of building standards by deleting those requirements of state agencies which affect or pertain to method of use, properties, performance or types of materials used in construction and by limiting the requirements of state agencies which generally regulate, require, or forbid the method of use, properties, performance, or types of materials to those which specifically regulate, require, or forbid those parameters.

(2) Existing law defines "codification" for purposes of the State Building Standards Law to include publication in the State Building Standards Code.

This bill would add that defined phrase to the procedural requirements for approving building standards.

(3) Existing law requires the State Building Standards Commission to resolve conflict among building standards and to require revisions for such purposes for standards submitted for approval, excepting emergency standards for which the commission concurs in the finding of emergency. Existing law prohibits building standards from being published or taking effect until 90 days after approval, except emergency standards and occupational safety and health standards required by federal law and within the time required by federal law.

This bill would exempt from the concurrence of the State Building Standards Commission in the finding of emergency for all building standards which are occupational safety and health standards substantively identical to specified federal regulations. The bill would provide that occupational safety and health building standards substantively identical to specified federal regulations take precedence over other building standards and requires an accelerated approval for other occupational safety and health building standards exceeding specified corresponding federal standards which, when approved, take precedence over other building standards.

(4) The bill would make other technical conforming changes and would also provide that certain of its provisions would not become operative if AB 921 is chaptered.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(6) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

**Ch. 318 (AB 442) Rosenthal Public Employees' Retirement System- benefits.**

The Public Employees' Retirement Law presently permits retired persons to work 90 working days in any calendar year without loss of benefits.

This bill would permit retired persons to be employed by school employers or by the Trustees of the California State University and Colleges for specified hours in any calendar year without affecting their benefits.

**Ch. 819 (AB 596) Moore. State Office of Economic Opportunity**

Under existing law, the State Office of Economic Opportunity is within the Employment Development Department.

This bill would transfer the office to the Governor's office. The bill also would provide for the transfer of functions, personnel, property, and funds and make related technical changes

This bill would also establish in the Governor's office, a State Office of Economic Opportunity Advisory Commission consisting of 11 members appointed for 4-year terms to provide advice and review, as specified.

**Ch. 820 (SB 300) Carpenter. Home protection insurance**

Under existing law, every insurer doing business in this state is required to pay to the state annually a tax based, generally, on the amount of gross premiums, less return premiums, received during the year on its business done in this state

This bill would provide that for purposes of that tax an "insurer" includes a home protection company and "gross premiums" include home protection contract fees

Existing law defines "home protection contract."

This bill would revise the definition of "home protection contract "

Existing provisions relating to home protection contracts do not apply to performance guarantees given by either the builder of the home or by the manufacturer or the seller of an appliance or the system or component if no identifiable charges are made for such guarantee.

This bill would provide that such provisions do not apply to performance guarantees or service contracts whether or not an identifiable charge is made for the performance guarantee or service contract.

Under existing law, specified provisions of the Insurance Code are fully applicable to home protection contracts and home protection companies.

This bill would substantially revise those provisions of the Insurance Code which are applicable to home protection contracts and home protection companies.

The bill would also revise conditions for the filing of a statement with respect to the conditions and affairs of the home protection company, as specified. It would specifically exempt home protection companies from being subject to the provisions of the Insurance Code providing for the California Insurance Guarantee Association.

Existing law provides that no home protection company shall pay to any person any commission as an inducement or compensation for the issuance, purchase or acquisition of a home protection contract.

This bill would exempt from the prohibition payment of an override commission or marketing fee, as specified. The bill would specifically permit a home protection company to require an onsite inspection as a prequalification for the issuance of a home protection contract, as specified

The bill would make related changes.

**Ch. 821 (AB 1171) Bates Developmentally disabled.**

Under existing law a regional center may purchase out-of-home care for a client that the regional center determines will best accomplish all or part of that client's program plan.

This bill would require the Health and Welfare Agency to submit to the Legislature a plan for a pilot project to allocate funds, equivalent to the cost of state hospital care for the clients of 4 regional centers, from which they would be required to purchase services from state hospitals or other providers that are most appropriate for the clients

**Ch 822 (AB 1982) Moorhead Orders for support.**

Under existing law, in a judgment for the dissolution of a marriage or a legal separation the court may order a party to pay spousal support. Where a court has made an order requiring payment of spousal support to a party receiving welfare moneys, the court is required to direct that payments shall be made to a designated county officer and to direct that the district attorney shall appear on behalf of the welfare recipient in any proceeding to enforce the order. In other cases in which a court makes an order requiring payment of child support the aforementioned orders are discretionary. When the court makes such an order in a case not involving welfare moneys, it is required to include a designated service charge in the order. Expenses incurred by a county officer or district attorney in the enforcement of any such order are a charge upon the county.

This bill would make orders regarding payment to county officers and enforcement by the district attorney discretionary in all cases, except as specified. It would also authorize a service charge in all such cases and limit the charge upon the county for services of county officers and the district attorney with regard to the enforcement of a child support order to the amount exceeding the service charge.

Existing law provides that a certified copy of a judgment order for spousal support, when recorded with the county recorder, is a lien upon all real property of the judgment creditor in the county, as specified. The certificate of the judgment debtor that all amounts and installments which have matured under a judgment for spousal or child support prior to the date of the certificate have been fully paid and satisfied is prima facie evidence of the payment and satisfaction and conclusive in favor of any person dealing in good faith and for a valuable consideration with the judgment debtor, as specified.

This bill would require that the certificate of the judgment debtor must be accompanied by either an affidavit by the judgment creditor that all amounts and installments have been satisfied or proof of service of notice to the judgment creditor of the intent to file such a certificate, as specified. Further, it would also authorize a judgment creditor to record a certificate of nonpayment with regard thereto, as specified.

It would also make a technical change

**Ch 823 (AB 1340) L. Stirling County Employees Retirement Law of 1937: benefits**

(1) The County Employees Retirement Law of 1937 presently authorizes various alternative benefit formulas

This bill would authorize the San Diego County Board of Supervisors to elect to make a reduced benefit structure applicable to new members and present members who elect to be subject thereto and, under existing law, the matter would thus be subject to employer-employee relations provisions.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 824 (AB 1283) Elder Ports**

Existing law provides that certain specified public entities may, pursuant to a joint powers agreement, create a public entity to exercise a power common to the parties to the agreement

This bill would provide that an entity created by a joint powers agreement in a county with a population of 4,000,000 or more may authorize the issuance of revenue bonds to acquire land, design, engineer, construct, operate, maintain, improve, and administer an intermodal container transfer facility.

This bill would also provide that the power to issue revenue bonds pursuant to this bill terminates after December 31, 1995, unless the entity fails to accomplish the purpose of the bill by reason of litigation related to the issuance

Ch 825 (SB 499) M. Garcia. Bank and Corporation Tax Law: unitary business: international banking facilities.

Under the existing Bank and Corporation Tax Law, the income of a unitary business which is subject to taxation is determined by means of an allocation formula based on income derived from, or attributable to, sources both within and without the state.

This bill would provide that, in determining the income subject to tax of an international banking facility, as defined, an international banking facility maintained by a bank within California shall be considered located without the state, and the property, payroll, and sales which are recognized by the appropriate banking regulatory authority as attributable to the international banking facility shall be attributed to the international banking facility in determining the property, payroll, and sales factors of the bank.

The provisions of the bill would be repealed on January 1, 1989. [This bill would take effect immediately as an urgency measure.]\*

Ch. 826 (AB 2010) Elder Barbering.

Existing law provides that a person is qualified to receive a certificate of registration to practice barbering if the person meets specified requirements including, among other things, having either (1) a valid cosmetology certificate and performed acts of cosmetology in a licensed cosmetology establishment in California within the last 2 years immediately before filing the application for a certificate or (2) proof of completion of a 1,600-hour course in a cosmetology school.

This bill would require that the acts of cosmetology shall have been performed in a cosmetology establishment in California for a single continuous period of at least 3 months within the last 2 years before filing an application and that completion of the course in a cosmetology school shall have been completed within 1 year immediately prior to filing of the application.

Existing law requires an applicant for a certificate of registration as an instructor in a barber college to, among other things, pay an examination fee and pass a written and oral examination on the theory of barbering.

This bill would delete the requirement for the oral examination for a certificate as an instructor and would prescribe the scope of the written examination. It also would provide for the issuance of a provisional instructor certificate as specified.

It also would specify the scope of the written examination for a certificate of registration as a registered barber.

It would provide for the establishment of an examination review committee, to be appointed by the State Board of Barber Examiners, and would prescribe the functions of the committee. It also would provide that the holder of a certificate to instruct in a barber college may complete a required specified course in teacher training within 2 years from the date of issuance of the certificate rather than within 1 year as required by existing law.

The bill would make technical, nonsubstantive changes in provisions relating to the expiration of certificates issued by the State Board of Barber Examiners.

Under existing law, the fees paid by licensees of the State Board of Barber Examiners are deposited in the State Board of Barber Examiners' Fund which is continuously appropriated.

This bill would create a new class of licensee, a provisional instructor, and provide for the deposit of the license fees collected from these persons in the fund, thus making an appropriation to the fund.

Ch 827 (SB 991) Marks. Administrative regulations.

Existing law provides that whenever a statute is enacted that establishes a new program or requires interpretation pursuant to the Administrative Procedure Act, the state agency responsible for the program or regulatory action shall issue a clear and concise summary of actions taken to implement the statute to specified persons in the Legislature.

This bill would also require the state agency to send to the author of a statute, so long as the author is a Member of the Legislature, copies of all regulations proposed to implement the statute and notice of any hearings held on those regulations prior to the hearings being held.

Ch. 828 (AB 1998) Duffy. Health: chemical dependency recovery hospital.

(1) Under existing law, the State Department of Health Services licenses chemical dependency recovery hospitals for ambulatory persons who have a dependency on alcohol or medicinal drugs. Such hospitals are required to be located physically apart from other health facilities. However, a general acute care hospital may operate a chemical dependency recovery hospital as a supplemental service without a separate license and reclassify any of its beds for such purposes without prior compliance with the health planning laws. Existing law requires the beds of a chemical dependency recovery hospital to be used exclusively for alcohol and medicinal drug dependency treatment and not to be reclassified without prior compliances with the health planning laws.

This bill would redefine a chemical dependency recovery hospital to be for persons who have a dependency on alcohol or other drugs and require the department to adopt regulations defining chemical dependency recovery bed classification for health facilities.

This bill would also authorize a general acute care hospital or an acute psychiatric hospital to provide chemical dependency recovery services as a supplemental service without a separate license or reclassification under health plan laws in existing beds classified as general acute or acute psychiatric in the hospital or in a freestanding facility under certain circumstances.

This bill would also exempt the conversion of certain facilities to chemical dependency recovery hospitals from certificate of need requirements under the health planning laws and would make construction or remodeling necessary to enable such a facility to comply with applicable licensing regulations eligible for exemption from the certificate of need requirements.

(2) Under existing law, all structures of a chemical dependency recovery hospital which are of Type-V construction or single story construction are exempt from seismic requirements.

This bill would, instead, exempt all freestanding recovery hospitals from such requirements except when provided as a supplemental service in general acute care beds or general acute psychiatric beds.

(3) This bill would delete various obsolete provisions.

(4) This bill would become effective immediately as an urgency statute.

(5) The bill would, on the effective date of AB 1551, incorporate additional changes in Section 1250.1 of the Health and Safety Code proposed by AB 1551 if that bill and this bill are chaptered and become effective on or before January 1, ~~1981~~ [1982]\*, and this bill is chaptered last.

Ch. 829 (AB 577) Hart. Schools pupil leaves of absence.

(1) Under existing law, a child between the ages of 6 and 16 is required to attend school on a full-time basis unless otherwise excused or exempted. A child between the ages of 16 and 18 is required to attend continuation education classes unless otherwise exempted by law.

This bill would permit a child who will be 15 years old at the time a leave of absence is to begin to take a leave of absence from school for purposes of supervised travel, study, training, or work otherwise unavailable to the student, for up to 1 semester, and a child who, at the time a leave of absence is to begin, will be between the ages of 16 and 18, inclusive, for up to 2 semesters without incurring academic penalties, if the district governing board adopts a policy for such leaves consistent with this bill and if other specified conditions are met.

The bill would require the Legislative Analyst to prepare reports evaluating the leave-of-absence program, and to present these reports to the Legislature no later than January 1, 1985.

(2) Existing law prescribes a method for computing a revenue limit for each school district.

This bill would make specified adjustments in this computation for school districts with pupils taking leaves of absence.

(3) These provisions would remain in effect until July 1, 1987.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases,

for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 830 (AB 617) Lehman. Dairy products: sterilization.

(1) Under existing law, the terms "sterilization" and "sterilized" are not defined for the purposes of the Milk and Milk Products Act of 1947

This bill would provide that "sterilization" or "sterilized", when used to describe a dairy product or a product resembling a milk product, means that the product has been subjected to sufficient heat processing, either before or after sealing in a hermetically sealed container, in accordance with the sterilization requirements of regulations promulgated under the Federal Food, Drug, and Cosmetic Act, so as to produce a product that will maintain its commercial sterility under normal nonrefrigerated conditions. Until January 1, 1985, the term "sterilization" or "sterilized" could also be used to describe milk and milk products processed under conditions equivalent to sterile processing and packaged in a specified manner.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 831 (SB 1141) Keene. Civil procedure.

Existing law provides that the plaintiff in a condemnation proceeding shall pay the full amount required by the judgment not later than 30 days after final judgment.

This bill would extend the time for payment of the judgment, in the event of other court proceedings, to 30 days after the conclusion of any other court proceedings which are commenced by the defendant challenging the judgment or any of the condemnation proceedings.

Existing law provides that any demand, savings, or matured time deposit made with a banking organization, including any interest or dividends thereon, and excluding from demand deposits only, certain reasonable service charges, will escheat to the State of California where the owner of the property has not indicated an interest in the deposit, in one of the ways specified, for over 7 years.

This bill would provide that a negotiable order of withdrawal (NOW) account would also escheat to the state under the same conditions. In addition, certain reasonable charges which may be withheld from the NOW account, as specified, will not be included in the moneys which would escheat to the state.

Existing law provides that, not less than 6 nor more than 12 months before a customer's deposit, shares, or other interest in a banking or financial organization will escheat to the state, the banking or financial organization is required to notify the customer of this fact by sending a prescribed notice and a form by which the customer may indicate an intention to maintain his or her interest.

This bill would specify that notification must be made by mail. In addition, the bill would provide that these notification requirements do not apply where the deposit, account, shares, or other interest is less than \$25 and would prohibit the imposition of a service charge for notice relating to these items.

Existing law provides that a banking or financial organization is permitted to impose a charge for sending the customer the required notice that property will escheat to the state, in an amount not to exceed the administrative cost of mailing up to a maximum of \$1.

This bill would instead provide that the banking or financial organization may impose a charge for notification in an amount not to exceed \$2.

Existing law provides that no service, handling, maintenance, or other charge or fee of any kind may be deducted from property which is subject to escheat to the state unless specifically permitted by statute.

This bill would specify that this prohibition applies with respect to service, handling, maintenance, or other charges or fees which are imposed because of the inactive or



unclaimed status of the property, as specified

Ch. 832 (AB 535) Ingalls. Municipal courts. Riverside and San Bernardino Counties.

(1) Existing law provides for 5 municipal court judges in the Riverside Judicial District.

This bill would, on July 1, 1982, increase the number of municipal court judges in the Riverside Judicial District from 5 to 6

(2) Existing law provides for 20 municipal court judges in the San Bernardino Municipal Court District.

This bill would authorize 3 additional municipal court judges for the San Bernardino Municipal Court District, as specified.

(3) Existing law specifies the municipal court districts in San Bernardino County

This bill would revise the municipal court districts in San Bernardino County.

(4) Existing law specifies the number, compensation, and classification of municipal court employees in San Bernardino County.

This bill would revise the number, compensation, and classification of municipal court employees in San Bernardino County.

(5) Existing law provides for one municipal court judge in the Three Lakes Judicial District

This bill would, on July 1, 1982, increase the number of municipal court judges in this district to two judges.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 833 (AB 531) Thurman. Manufactured homes.

(1) Existing state law defines the terms "manufactured home" and "recreational vehicle" for purposes of the state law relating to mobilehomes.

This bill would revise the definitions of these terms.

(2) There is an existing federal law the National Manufactured Housing Construction and Safety Standards Act of 1974

Existing state law authorizes the Department of Housing and Community Development to assume responsibility for enforcement of mobilehome safety and construction standards established by a federal standard. Existing state law also authorizes the department to conduct inspections and investigations necessary to secure enforcement of the state law relating to mobilehomes by entering any factory, warehouse, sales lot, or establishment in which mobilehomes are manufactured, stored, held for sale, sold, offered for sale, rented, or leased.

This bill would additionally make these provisions applicable to manufactured homes in conformity with the federal law.

(3) Existing law requires a specified label to be affixed on any new mobilehome if it is to be displayed for retail sale in this state and makes it a misdemeanor for anyone except the retail purchaser to remove it.

This bill would extend that provision to manufactured homes to be displayed for retail sale in this state and also would except removal by anyone after the manufactured home or mobilehome is affixed to a foundation system

(4) Existing law requires the Commission of Housing and Community Development to promulgate regulations for plumbing, heat-producing, and electrical equipment used in mobilehomes. Existing law makes it unlawful to sell, offer for sale, rent or lease any mobilehome or recreational vehicle after a specified date which contains this equipment which does not meet the regulations promulgated by the commission.

This bill would revise those requirements to make it unlawful to sell, offer for sale, rent or lease a manufactured house, mobilehome, or recreational vehicle manufactured after a specified date which does not comply with regulations of the Department of Housing and Community Development for construction and safety.

(5) Existing law requires all mobilehomes, recreational vehicles, and commercial coaches sold, offered for sale, rented, or leased to bear an insignia of approval issued by the department to indicate compliance with the regulations of the commission.

This bill would additionally require manufactured homes to bear an insignia issued by the department but would allow mobilehomes, manufactured homes, recreational vehicles, and commercial coaches to bear a federal label to indicate compliance as an alternative to the insignia of approval.

(6) Existing law permits the commission to approve, by regulations, recreational vehicles for use in California which meet the standards prescribed by the statutes, or regulations, of another state which are at least equal to the standards of the commission.

This bill would make those provisions also applicable to commercial coaches.

(7) The bill would make additional changes which would be made to these provisions of law relating to mobilehomes proposed by SB 1193, to become operative on January 1, 1982, if both bills are chaptered and this bill is chaptered last.

(8) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 834 (SB 447) Keene. Litter: solid waste.

(1) Existing law requires that 30% of the appropriations from the State Solid Waste Management Fund be used for grants or loans to public agencies or private entities to expand existing, and develop new, community recycling centers for the collection of recyclable municipal and household waste.

This bill would, instead, require that those moneys be used for the planning and development of curbside collection systems, community recycling centers, or new techniques or equipment for the collection of recyclable municipal and household waste and would delete restrictions on grant recipients initiating certain operations after award, and conditions for a grant recipient to discontinue purchasing for metals, and, instead, require the applicant to meet and maintain specified eligibility qualifications.

(2) Existing law requires the State Solid Waste Management Board to conduct an ongoing investigation into actions that could be taken by public and private entities to expand markets for recyclable materials, particularly plastics, paper, and other materials which are currently recycled in low volumes and requires the board to endeavor to finance the recycling of these materials when making grants and loans under the above provisions.

This bill would, instead, authorize the board to expend or grant not more than \$450,000 of specified appropriations from the State Solid Waste Management Fund appropriated after July 1, 1981, in order to, among other things, assist and facilitate projects which would expand existing markets and create new markets for the recyclable materials that currently are recycled in low volumes, encourage industry and the public in activities to help expand markets for recyclable material.

(3) Existing law does not authorize the board to make advance payments to community-based private nonprofit agencies with which it has contracted for the delivery of services.

This bill would authorize the board, effective July 1, 1981, to make such advance payments, to the extent funds are available, and not more frequently than once each fiscal year, not to exceed 25% of the allocation to be made, upon determining that an advance payment is essential for effective implementation of a qualified program by the nonprofit agency.

(4) The bill would also make additional related changes.

(5) The bill would require the State Solid Waste Management Board to repay specified loans made to the board from the General Fund

Ch. 835 (SB 1235) Garamendi. State surplus property.

Existing law authorizes the Director of General Services to execute grant deeds to real property belonging to the state whenever this type of property is sold or exchanged

This bill would authorize the Director of General Services to sell, at fair market value and upon those terms and conditions which the director feels are in the best interest of the state, specified surplus real property to the First United Presbyterian Church and to exchange, for current market value and upon those terms and conditions which the director feels are in the best interest of the state, other specified surplus real property.

This bill would declare that a special law is necessary

**Ch 836 (SB 1130) Rains State Bar**

Existing law requires that an election of the members of the board of governors of the State Bar be by ballot

This bill would instead provide that where only one member seeks election to an office the member would be deemed elected but where two or more members seek election to the same office the election would be required to be by ballot

Existing law provides that each member of the board of governors shall be an ex officio member of the local administrative committee where he or she maintains his or her principal law office unless he or she declines to act in this capacity

This bill would eliminate this provision

**Ch 837 (SB 648) Ellis Computer crime.**

Existing law provides that it is a crime to intentionally access or cause to be accessed any computer system or network for the purpose of (1) devising or executing any fraudulent or extortive scheme or (2) obtaining money, property, or services with false or fraudulent intent, representations, or promises, or to maliciously access, alter, delete, damage, or destroy any computer system, network, program, or data.

This bill would also make it a crime for any person to maliciously access or cause to be accessed any computer system or network for the purpose of obtaining unauthorized information concerning the credit information of another person or to introduce or cause to be introduced false information into that system or network for the purpose of wrongfully damaging or enhancing the credit rating of any person

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 838 (SB 448) Vuich. Bank and corporation tax rates.**

Under existing Bank and Corporation Tax Law, with respect to banks and financial corporations, taxes are imposed according to, or measured by, net income, at prescribed rates for specific income years, which is in lieu of other specified taxes

This bill would revise the method of determining the rate of tax on banks and financial corporations for income years ending in 1982 and thereafter.

The bill would take effect immediately as a tax levy.

**Ch 839 (SB 262) Robbins. Juvenile offenders.**

Existing law requires a supplemental petition and hearing for the commitment of a juvenile offender who violates a condition of probation after stay of an order imposing time in custody

This bill would delete the requirement for the supplemental petition and hearing in specified cases

**Ch 840 (AB 515) Floyd. County jail**

Existing law provides for the release of county jail prisoners on work furlough

This bill provides for additional work release of county prisoners. These provisions would be repealed on January 1, 1985

**Ch. 841 (AB 595) Bates Mental health patient advocates**

(1) Under existing law there is no separate mental health service to ensure the rights of recipients of mental health services in state hospitals and in licensed health and community care facilities

This bill would establish such a service by creating the Patients' Rights Office in the State Department of Mental Health. The bill would also require the Patients' Rights Office to provide training for county patients' rights advocates.

The bill would create a Patients' Rights Subcommittee of the Citizens Advisory Council, with prescribed duties.

The bill would require each local mental health director to appoint or contract for county patients' rights advocates and prescribe their duties.

The bill would authorize a mental health recipient to contract with a county patients' rights advocate or, if found incompetent to enter into an agreement with an advocate, to have a guardian ad litem appointed for such purposes. The bill would also authorize investigations by advocates and provide the advocate with access to clients and client records with client or guardian ad litem approval.

The bill would also provide civil penalties for obstructing a county patients' rights advocate in the performance of his or her duties or for an advocate to violate client privacy or for any person to violate any client's rights.

(2) Under existing law each local mental health director reports to the Director of Mental Health the number of persons, by facility, whose rights were denied and what rights were denied. The result of the director's investigation are required to be reported to the Board of Medical Quality Assurance.

This bill would require the local director of mental health to also investigate violation of patient rights and authorizes either the local or state director to take specified action.

(3) Under existing law disclosure of certain confidential information in the course of providing mental health services is authorized for research purposes

This bill would revise such provisions.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs for which reimbursement is mandated, except for those costs for which reimbursement is not required because the local agency has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because the costs which may be incurred by a local agency will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

(5) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

#### Ch 842 (AB 1461) Vicencia Vehicles: driving schools.

(1) Existing law specifies that driving school owners', operators', and instructors' licenses expire one year from the date of issuance. The initial application fee for a driving school owner's license is \$50 plus an additional \$50 for initial investigation and inspection. The initial application fee for a driving school operator's license is \$50 and the initial application fee for a driving school instructor is \$10. License renewal fees for owners, operators, and instructors are \$50, \$50, and \$10, respectively.

This bill would provide that all driving school instructors' licenses are valid for 3 birthdays from the date of application. The application fees would remain unchanged for owners and operators. The application fee for instructors would be increased to \$30.

(2) Existing law provides certain specified circumstances for suspension.

This bill would include failing to maintain an established place of business and failing to employ and maintain under employment a licensed driving school operator, whenever the driving school owner is not also the operator, as additional causes for the suspension of the applicable driving school license, and [would]\* prohibit an individual whose driving school owner's, operator's, or instructor's license has been revoked from

reapplying within one year from the effective date of the revocation, and also [would]\* require all evidence of licensure to be surrendered to the ~~department~~ [Department of Motor Vehicles]\* whenever ~~such~~ [the]\* driving school license is canceled, suspended, or revoked

(3) Existing law does not provide for a procedure for the service of process or the filing of an administrative accusation

This bill would ~~authorize the department to serve process by mail and to file an administrative accusation whenever appropriate. It would also authorize the department to use a finding from an administrative accusation~~ [a prior administrative suspension or revocation action]\* in determining an applicant's eligibility for subsequent occupational licensing, [would]\* authorize the ~~director of the department~~ [Director of Motor Vehicles]\* to enter into an agreement with the licensee to accept a ~~monetary~~ [stipulated]\* penalty in lieu of conducting a hearing following an administrative accusation filing against a licensee, and ~~to~~ [would]\* require such licensees to have a certificate of appointment on file appointing the director as the true and lawful agent of the occupational license applicant upon whom all process may be served in any action regarding such licensing if service cannot be completed with the licensee

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

#### Ch. 843 (SB 445) Vuich Transportation facilities funds

(1) Existing law authorizes the Department of Transportation to contract to provide feeder services to and from rail passenger terminals or intercity bus transportation

This bill would authorize the department, in contracting for intercity bus transportation, to fund fixed route, scheduled service which primarily provide service between nonurbanized communities, as defined, and passenger air terminals with 1980 volumes of 1,000,000 passengers or less.

(2) Existing provisions of the Mills-Alquist-Deddeh Act authorize money to be allocated for the cost of construction of pedestrian and bicycle facilities

This bill would specify that construction of the facilities would include related engineering expenses

(3) Existing law authorizes the California Highway Patrol to disburse money in the Abandoned Vehicle Trust Fund to local entities for abatement and removal of abandoned vehicles from specified areas

This bill would include agricultural and recreational areas as areas for which money may be allocated from the fund to local entities for the abatement and removal of abandoned vehicles, and would appropriate \$500,000 from the fund to the California Highway Patrol for expenditure during the 1981-82 fiscal year for such abatement and removal.

#### Ch. 844 (SB 321) Alquist Income taxation ridesharing credits and deductions

Existing provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law provide for various credits against the taxes imposed by such laws and for various deductions from taxable income, including deductions for ordinary and necessary business expenses and for the depreciation of property used in a trade or business

This bill would provide employers, as defined, with a 20% credit for the cost incurred for the purchase, leasing, or contracting of various specified vehicles provided as part of an employer-sponsored ridesharing incentive program, as defined. This bill would provide for the carryover of any used credit to succeeding taxable or income years

This bill would also provide employers, as defined, with an ordinary and necessary business expense deduction for various specified expenditures in connection with subsidizing specified ridesharing activities of employees, as defined. Subsidization of certain activities would be nondeductible to the extent they involve expenditures in connection with capital assets. Facility improvements, as specified, made by an employer to encourage employee participation in ridesharing arrangements or alternate travel modes, such

as bicycling or walking, would be entitled to a depreciation deduction, as specified.

This bill would define various terms in connection with ridesharing activities subject to the bill's provisions.

This bill would transfer \$2,000,000, for the 1981-82 fiscal year, from the Transportation Planning and Development Account in the State Transportation Fund to the General Fund for the purpose of replacing revenues which would not be collected as a result of the bill's enactment.

This bill would also provide for annual transfers, on July 1, 1982, through July 1, 1986, from the Transportation Planning and Development Account in the State Transportation Fund or other source determined by the Legislature to the General Fund in an amount specified in the Budget Act for the aforementioned purpose.

This bill would require the Franchise Tax Board, in cooperation with the Energy Resources Conservation and Development Commission, after one or more public hearings, to prescribe regulations necessary to carry out the purposes of the bill. It would require the board to report to the Legislature, on or before a specified date, on specific effects of the bill.

This bill would be applicable to the computation of taxes for taxable or income years beginning on or after January 1, 1981, and ending on or before December 31, 1986, and would remain in effect only until January 1, 1987, unless a later enacted statute, which is chaptered before that date, deletes or extends that date. However, the termination provisions would not affect the carryover of any unused credit or the deduction of any unused depreciation allowance authorized by the bill.

This bill would take effect immediately as a tax levy.

#### Ch. 845 (SB 481) Mello. Taxation: timberland.

Existing law prohibits a city or county from renewing an existing contract restricting the use of land to agricultural uses, including timber production, on or after February 28, 1977, and prescribes the method for valuing timberland within an existing contract which has been nonrenewed.

This bill would require that land still subject to that type of contract be valued, commencing with the lien date for the 1982-83 fiscal year and on each lien date thereafter, under a specified provision applicable to timberland located in a timberland preserve zone.

#### Ch. 846 (AB 941) McCarthy. Real property: development. discrimination.

(1) Existing law requires cities, including chartered cities, and counties, upon request of developers, to provide for administrative review of all applications and permits for residential development by a single administrative entity, as defined.

This bill would delete the requirement that developers make such requests and, instead of requiring the administrative review of all applications and permits by a single entity, would require such local agencies to provide for the coordination of review and decisionmaking and the provision of information regarding the status of all applications and permits for residential developments by a single administrative entity, as redefined by the bill.

(2) The provisions of existing law regulating discrimination in financing of housing are known as The Housing Financial Discrimination Act of 1977

This bill would rename those provisions as the Holden Act

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 847 (AB 1372) Hughes. Student financial assistance.

(1) Existing law provides for the Student Aid Commission, with specified membership and duties.

This bill would provide that each member of the commission shall receive a stipend of \$50 for each day in which the member attends any meeting of the commission or of

any committee or subcommittee of the commission, in addition to traveling expenses incurred in the course of duties.

This bill also makes various changes to the State Guaranteed Loan Program to conform with federal policy.

(2) Existing law provides that loans made from the General Fund to the Student Aid Commission for administrative startup costs and for the purpose of purchasing for collection defaulted loans from lending agencies shall be repaid to the General Fund by the 1985-86 fiscal year.

This bill would repeal that provision

**Ch. 848 (AB 1500) Vicencia. Real estate licensees' fees.**

Existing law relating to the licensure and regulation of real estate salespersons and brokers prescribes the amounts which may be charged for various fees.

This bill would revise these amounts as follows: (1) real estate broker license examination fee, \$50 instead of \$25; (2) real estate broker license reexamination fee, \$50 instead of \$25; (3) active restricted broker license fee, not in excess of \$110 instead of \$85; (4) active real estate broker license fee, not in excess of \$110 instead of \$85; (5) real estate salesperson license examination fee, \$25 instead of \$10; (6) real estate salesperson license reexamination fee, \$25 instead of \$10; (7) active restricted salesperson license fee, not in excess of \$80 instead of \$60; (8) active real estate salesperson license fee, not in excess of \$80 instead of \$60; (9) fee for examination required under an order, as specified, \$25 instead of \$10 for salespersons and \$50 instead of \$25 for brokers. These increased fees would be deposited into the continuously appropriated Real Estate Fund or accounts thereof.

Existing law establishes certain fees to be collected by the Real Estate Commissioner for filing an application for certain permits or renewals thereof, for applications for preliminary or renewal subdivision public reports and filing fees for questionnaires pertaining thereto and establishes an amount allowed for mileage expenses incurred in connection with the inspection of out-of-state subdivided lands.

This bill would increase these fees and mileage allowance, as specified. These increased fees would be deposited into the continuously appropriated Real Estate Fund. The bill would also provide that certain actual subdivision fees established by regulation shall not exceed the amounts reasonably required by the Department of Real Estate to (1) process applications for required permits, and (2) process questionnaires and applications for required public reports.

**Ch 849 (AB 1151) Levine. Rape.**

Existing statutory law does not define rape as an act of sexual intercourse accomplished with a person not the spouse of the perpetrator where the perpetrator causes submission of the victim by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat.

This bill would so provide.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 850 (AB 1211) Harris. Property taxation.**

Under existing law, cities are authorized to impose property taxes to pay the principal and interest on indebtedness approved by the voters prior to July 1, 1978, but the property taxes of general law cities shall be, and the property taxes of chartered cities may be, administered by counties.

This bill would revise the procedures for counties to be designated by cities to defend actions for refunds of city property taxes, and would require the county to charge the city fees for the costs of the services provided.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue

and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 851 (AB 1277) Lehman. State highways. excess real property.

Under existing law, the Department of Transportation is authorized to sell real property acquired for state highway purposes, but no longer required for those purposes, on the terms established by the California Transportation Commission. The general practice of the department is to sell the property at public auctions or by sealed bids.

This bill, with respect to commercial real property acquired for the construction of a state highway but no longer needed for that purpose because construction will not be undertaken, would require, with 2 specified exceptions, the department to first offer the real property for sale at its current fair market value to the occupant thereof if the occupant is renting or leasing the real property from the department, has used and occupied the real property, and has made improvements in excess of \$5,000 during that time on the real property at his or her own expense consistent with the terms of the agreement with the department. The department would be required to obtain at least 2 independent appraisals from qualified appraisers for the purpose of determining fair market value.

The bill would provide that the failure of the department to first offer excess real property as required by the provisions of the bill shall not affect the validity of any conveyance of that excess real property to any person or entity unaware of the failure of the department to do so. It would also provide that such failure shall in no way be construed as releasing the department from its responsibility to first offer that property to the occupants.

Ch. 852 (AB 1092) N Waters. Kirkwood Meadows Public Utility District. proposed.

(1) Existing law provides for the formation and operation of public utility districts pursuant to the Public Utility District Act.

This bill would provide that, with respect to the proposed Kirkwood Meadows Public Utility District, the board of directors shall be composed of 5 members elected at large who are residents and electors of the district. It would declare Alpine County to be the principal county for purposes of formation, with provision for the boards of supervisors of El Dorado and Amador Counties to exclude the district from all or any part of their counties. It would authorize the proposed district to acquire and operate parking facilities and cable television facilities and to provide snow removal and road maintenance services. It would authorize the proposed district to issue bonds and incur indebtedness under the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Improvement Bond Act of 1915, and the Revenue Bond Law of 1941.

It would declare these provisions repealed on March 1, 1984, if the district is not incorporated by that date.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that if the district is incorporated on or before March 1, 1984, it shall make payment to local agencies and school districts for costs mandated by this act and that, in this event, no appropriation is made and no reimbursement is required by this act for a specified reason. It would also provide that if the district is not incorporated by that date, no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.



**Ch 853 (AB 1106) Costa. Domestic water supply systems.**

Existing law (the California Safe Drinking Water Bond Law of 1976) permits the Legislature to authorize, subject to specified limits, the use of bond proceeds in the California Safe Drinking Water Fund for a grant program, with grants provided to water suppliers that are political subdivisions of the state, if it is determined that the suppliers are otherwise unable to meet minimum safe drinking water standards established pursuant to applicable provisions of law. Chapter 322 of the Statutes of 1978 authorizes the use of bond proceeds for such a grant program with any grant to be made only upon the specific approval of the Legislature, by an act enacted after the receipt of a report on the grant application filed by the Department of Water Resources.

This bill would authorize grants from the California Safe Drinking Water Fund not to exceed the amount of \$400,000 to the Mariposa Public Utility District, not to exceed the amount of \$400,000 to the City of Mendota, not to exceed the amount of \$22,800 to the Oro Loma Elementary School District, not to exceed the amount of \$78,000 to the Alvin Elementary School District, and not to exceed the amount of \$400,000 to the Pico Water District, for the purpose of improving their domestic water systems to meet, at a minimum, safe drinking water standards. The bill would make legislative findings in that connection. The bill would require the Department of Water Resources to determine eligibility for the grants in accordance with specified provisions of law.

The bill would take effect immediately as an urgency statute.

**Ch 854 (AB 754) Cramer. Dismissal of criminal actions.**

Existing law requires, when a defendant who has not pleaded guilty is in custody at the time of arraignment or plea, that the magistrate shall dismiss the complaint if the preliminary examination is set or continued beyond 10 court days from the time of arraignment or plea. This requirement is subject to 2 exceptions: personal waiver by the defendant of his right to preliminary examination within 10 court days or establishment of good cause for a continuance beyond 10 court days by the prosecution. However, if the preliminary examination is set or continued beyond 10 court days the defendant shall be released on his own recognizance unless charged with a capital offense which would be nonbailable.

This bill would make the requirement of dismissal of the complaint if the preliminary hearing is set or continued beyond 10 days, applicable to any defendant who has not pleaded guilty and who is in custody and would provide further exceptions to the release of the defendant on his own recognizance when the preliminary examination is set or continued beyond 10 court days.

Existing law requires a preliminary examination of a criminal defendant to be completed at one session unless good cause is shown for a postponement. Upon such postponement the defendant, unless charged with a nonbailable capital offense, is released upon his own recognizance.

This bill would provide for the release of the defendant on his own recognizance upon postponement on the same basis as release is permitted when the preliminary examination is continued or set beyond 10 court days.

Existing law permits the prosecution to seek reinstatement of a dismissed complaint on the ground of erroneous dismissal as a matter of law.

This bill would make minor changes in the procedure to seek reinstatement of the complaint.

Existing law provides that a second order terminating an action pursuant to specified provisions of law is a bar to any other prosecution for a felony or a misdemeanor charged with a felony unless subsequent to the dismissal a judge or magistrate finds that substantial new evidence has been discovered by the prosecution which would not have been known previously by the exercise of due diligence.

This bill would provide that previous dismissals for specified reasons are not a bar to prosecution of the offense.

**Ch. 855 (AB 1113) Costa. Local agency formation commissions**

(1) Under existing law, local agency formation commissions have the authority, under prescribed procedures, to approve, conditionally approve, or disapprove the annexation of territory to cities.

This bill would prohibit a local agency formation commission from disapproving certain proposed annexations of territory which the commission finds is either substantially surrounded by the city to which the territory would be annexed, or located within an

urban service area, as defined, and which meets other specified conditions. The bill would eliminate provisions under which a local agency formation commission has authority to approve certain so-called "island annexations" initiated prior to January 1, 1981, without an election in the territory to be annexed.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

#### Ch 856 (AB 601) McAlister. Indemnity

Under existing law, a person who brings a civil action for monetary damages against a public entity or employee generally must file a claim with the public entity within 100 days after accrual of the cause of action or 1 year after accrual of the cause of action, depending upon the nature of the cause of action.

Under existing law, a defendant in a civil action may, in some instances, seek equitable indemnity from another alleged to be responsible for all or part of the damages.

Existing statutory law does not specify the time of accrual of a cause of action for purposes of filing a claim with a public entity where a defendant seeks equitable indemnity from a public entity or employee, although case law has held that a claim of a defendant for equitable indemnity against a public entity or employee arises at the time of payment of damages.

This bill would provide that for purposes of filing a claim against a public entity, and for related purposes, a cause of action for equitable indemnity or partial equitable indemnity accrues on the date upon which the defendant is served with a complaint giving rise to a claim for indemnity.

#### Ch. 857 (AB 1058) Bosco. Industrial loan companies.

Existing law prohibits industrial loan companies from making loans or purchasing or discounting any note secured by real property unless it is repayable in substantially equal periodic installments during the term of the loan which may not exceed 2 years from the date the loan or obligation is made or acquired by the company. Loans or obligations of \$2,000 or more, however, may have a maturity of a maximum of 3 years from the date of making or acquisition.

This bill would eliminate this exception and would provide that industrial loan companies may make loans and purchase and discount obligations secured primarily by real property if they are repayable in equal periodic installments during a term not exceeding 8 years and 6 months. The bill would also provide that any consumer loan or purchase or discount of any consumer obligation having a term exceeding 3 years is required to be secured solely by real property or solely by personal property, as specified. The bill would further provide that an industrial loan company may make loans and acquire or discount obligations having a term in excess of 3 years and secured primarily or solely by real property, as specified, up to an aggregate amount of 20% of the company's total outstanding loans and obligations. These provisions would remain operative only until January 1, 1986, and as of that date the law existing prior to amendment by the provisions of this bill would be reinstated.

This bill requires the Commissioner of Corporations to issue a report to the Legislature 2 years after the operative date of these provisions which would indicate the number of loans and the principal amounts of the loans made pursuant to the amended section, and the percentage of the total number of loans made by industrial loan companies which were made pursuant to the revised section.

**Ch. 858 (AB 1452) Moore. Community colleges: finance.**

(1) Under existing law, a student under 21 years of age, or any student under 25 years of age who has been honorably discharged or is returning from active or inactive military service, who lives in California, and who lives more than 90 miles from the nearest public community college, may attend grades 13 and 14 at any public community college in the state. If the student lives in a district which maintains a community college, existing law provides that the district of the student's residence is required to pay the district of attendance an amount as specified. In addition, current law requires that the parents or guardians of the student, or the student if he or she is an adult or a married minor, be paid a maintenance allowance for transportation expenses, as specified, in lieu of providing home-to-school transportation to students.

This bill would increase the amount of the in lieu transportation allowance from \$1 50 or \$2 to \$4 per day, and would revise the method of computing how community college districts would be reimbursed for these expenses. It would delete the provision which requires the district of residence to reimburse the district of attendance, as specified.

(2) Existing law requires that the portion of the 1977-78 fiscal year revenue expended for capital outlay from the levy of child development permissive tax, as specified, be excluded from the amount of the 1977-78 child development tax revenue used in determining the amount to be made available to community colleges in 1979-80 for child development programs.

This bill would change the amount excluded from the portion of the tax expended for capital outlay, to the amount of the tax generated specifically for capital outlay purposes. Beginning with the 1981-82 fiscal year the amount of this tax generated specifically for capital outlay would not be excluded from the above computation.

**Ch. 859 (AB 823) Thurman. Agriculture: surveys and investigations**

(1) Under existing law, the Department of Food and Agriculture may conduct various surveys or investigations of specified areas within the state liable to be infested or infected with any pest, as defined, or disease, including any infectious, transmissible, and contagious diseases of livestock and poultry, for the purpose of detecting the presence of, or determining the status of, the pest or disease.

This bill would require the Director of Food and Agriculture and the county agricultural commissioner to consult concerning these surveys or investigations when the provisions of the Food and Agricultural Code provide joint responsibilities in connection with the pest or disease.

(2) Under existing law, where the director and the county agricultural commissioner have joint responsibility for the enforcement of laws and regulations, the commissioner is responsible for local administration of the enforcement program, and the director is responsible for overall statewide enforcement.

This bill would permit county agricultural commissioners to assist the department in its conduct of surveys and investigations within the state to prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

(3) Under existing law, the director may allocate annually funds to each county, as specified, for joint responsibility programs but not less than the amount therefor specified in the Budget Act of 1980.

This bill would delete the minimum amount.

(4) Under existing law, the county agricultural commissioner is required to attend the annual meeting of the voluntary association of the commissioners of the state.

This bill would instead require the commissioner to attend the annual meeting of the California Agricultural Commissioners Association or its successor.

**Ch 860 (AB 1012) McCarthy. Hazardous waste: transportation**

(1) Existing law provides for licensing by the Department of the California Highway Patrol of specified vehicles and facilities, including the transportation of explosives.

This bill would expressly include explosives and hazardous wastes, as defined, in the definition of hazardous material. The bill would require, commencing January 1, 1982, and until January 1, 1988, licensing by the department for the transportation of hazardous material and increase the application fee for those licenses from \$10 to a maximum \$100 for a new license and from \$5 to a maximum \$75 for a renewal license, which fees would be required to be deposited in the Motor Vehicle Account in the State Transportation Fund.

The bill would require the moneys collected from the fees be used by the department

for the support of the hazardous materials inspection and licensing program of the department upon appropriation therefor by the Legislature

The bill would exempt a person transporting only hazardous wastes, as specified, from the licensing program if registered as a hazardous waste hauler, as specified. The bill would also, commencing July 1, 1982, and until January 1, 1988, authorize inspection of vehicles, containers, or shipment of hazardous material by department employees at specified locations. This licensing requirement would apply to a carrier of explosives on January 1, 1982, and to other carriers of hazardous materials, as defined, on July 1, 1982. The bill would make it unlawful for the motor carrier, as defined, or person who directs the driver to operate a vehicle transporting hazardous material, when this transportation is required to be licensed, to cause the operation of the vehicle unless the motor carrier holds a valid license. Violation of this provision would be punished by a fine of not more than \$2,000.

The bill would authorize the Commissioner of the California Highway Patrol to temporarily suspend the license to haul hazardous material, prior to a hearing, when, in the commissioner's opinion, the action is necessary to prevent imminent and substantial danger to the public health, the suspension remaining effective until the hearing is completed and a final determination made.

The bill would also require the department to submit a report to the Legislature on or before January 1, 1983, concerning the implementation of the licensing and inspection program.

(2) The bill would also make additional changes in Section 2501 of the Vehicle Code proposed by AB 1683, to be operative only if this bill and AB 1683 are both chaptered and this bill is chaptered last.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(4) The bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

#### Ch 861 (AB 911) Elder. Pipeline safety

(1) No provision of existing state law expressly provides for regulations governing safety standards for the operation of pipelines transporting hazardous liquids. Federal law contains pipeline safety provisions applicable to interstate pipelines.

This bill would enact the California Pipeline Safety Act of 1981 which would direct the State Fire Marshal to adopt by January 1, 1983, hazardous liquid pipeline safety regulations for certain designated categories of pipeline to implement the federal Hazardous Liquid Pipeline Safety Act of 1979 as necessary to obtain annual federal certification in compliance with those federal provisions. It would direct the State Fire Marshal to establish a Hazardous Pipeline Safety Technical Standards Committee, as specified, to inform the local agency and pipeline operators of changes in applicable laws and regulations. It would specify the installation and maintenance of certain safety equipment on replaced portions of existing pipelines which normally operate under conditions of constant flow and pressure and the periodic testing of all pipelines other than those with an automatic pressure relief device. It would require pipeline operators to provide fire departments and local agencies with relevant information concerning the as-built location of each pipeline and its pipeline operations, require fire departments to provide pipeline operators with firefighting plans and procedures, and require local agencies to compile and maintain for ready accessibility specified information on pipelines within their jurisdictions. It would authorize local agencies to levy and collect fees from pipeline operators sufficient to meet their costs and expenses under these provisions, with provision for certain of these fees to be transmitted to the State Fire Marshal, as determined necessary to meet his administrative costs in adopting the regulations required

by this bill.

The bill would require that the State Fire Marshal be informed of every pipeline break, fire, or explosion. The State Fire Marshal would be directed to investigate and authorized to close a pipeline in the interests of safety until repaired or determined safe to reopen.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 862 (AB 1144) McAlister Credit unions.

Existing law permits a credit union, with the approval of the Commissioner of Corporations, and specified rules, to merge with another credit union of like community interest in membership, or with a central credit union, under the charter of such other credit union. Mergers are to be approved by a majority of the board of directors of each credit union and by a majority of the members of each credit union, except as specified.

This bill would ~~limit the requirements as to majority vote of the membership to the membership of each credit union and would additionally~~\* provide that the commissioner may approve a merger without the vote of the membership of each credit union if the credit union is in danger of insolvency and the merger would reduce the risk or avoid a threatened loss to the California Credit Union Share Guaranty Corporation, or other form of share guaranty or insurance approved by the commissioner.

The bill would specify what constitutes insolvency of a credit union and would also make related changes.

#### Ch. 863 (AB 1586) Berman. State contracts.

Existing law contains various provisions governing the procedures by which state agencies may contract for public works, services, equipment, supplies, and materials.

This bill generally would require state contracts to contain a statement by which the contractor swears under penalty of perjury that no more than one final finding of contempt of court has been issued against the contractor within the last 2 years because of the contractor's failure to comply with an order of the National Labor Relations Board. It also would authorize the state to rescind any contract in which the contractor falsely swears to the truth of this statement.

#### Ch. 864 (AB 902) Young. Alcoholic beverages: beer price posting.

Existing law requires the filing with the Department of Alcoholic Beverage Control of a written schedule of selling prices of beer charged by a licensee for beer sold and distributed by him to his customers in California, with specified exceptions.

This bill would additionally specify that all prices filed shall be for immediate delivery, and additionally require the filing of a price schedule for each county in which the licensee's customers have their premise, as specified. It would also provide that different prices for different trading areas within a county shall be based upon natural geographical differences justifying the different prices, and shall not be established for special customers.

#### Ch. 865 (AB 1014) McCarthy Administrative regulations

Existing law allows the State Board of Control to charge administrative costs to various agencies for the supervision or administration of state government or for services rendered by the Legislature, Controller, State Personnel Board, Secretary of State, Department of General Services, State Board of Control, and the Department of Finance.

This bill would include among those agencies, the Office of Administrative Law, and would repeal the authority of the office to collect from various agencies the costs of providing its services.

Existing law prohibits a state officer or public official from charging a fee in connection with the filing or certification of agency regulations.

This bill would repeal and reenact this provision without substantive change.

Existing law requires the Office of Administrative Law to review, reduce the number, and improve the quality of regulations adopted by state agencies. It requires the office to continuously compile and publish the California Administrative Code, its supplement, the California Administrative Register, and the Administrative Code Notice Supplement. It also requires agencies subject to the jurisdiction of the office to follow specified procedures with respect to the adoption, amendment, or repeal of regulations.

This bill would change the names of the California Administrative Register and the Administrative Code Notice Supplement to the California Administrative Code Supplement, and the California Administrative Notice Register, respectively, and would specifically allow the office to adopt, amend, or repeal regulations for the purpose of the law concerning the Office of Administrative Law.

Existing law generally excludes from the coverage of statutes prescribing the adoption, amendment, and repeal of administrative regulations, those regulations adopted by the Saving and Loan Commissioner that extend to domestic savings and loan associations powers and duties coextensive with those of federal savings and loan associations doing business in California.

This bill would further exclude therefrom regulations of the Savings and Loan Commissioner and the Superintendent of Banks authorizing domestic associations and state-chartered banks and holding companies to make loans secured by real property with other than fixed rates of interest, pursuant to AB 650 of the 1981-82 Regular Session.

Existing law provides that no regulation adopted as an emergency regulation shall remain in effect more than 120 days unless the adopting agency has complied with the notice requirements, as specified, or has given notice of the adoption of the emergency regulation in a manner similar to that which is required for the adoption of a regulation and has afforded interested persons the opportunity to present statements, arguments, or contentions.

This bill would eliminate the latter notice requirement and require the agency to adopt the emergency regulation in the same manner as other regulations.

Existing law requires the State Building Standards Commission to transmit to the office, a certified copy of a regulation upon its approval of a building standard or order of repeal, for filing with the Secretary of State. It requires the office, during its review of regulations that are building standards, to consider the approval of the regulations by the State Building Standards Commission. In addition, existing law provides that a regulation or order of repeal required to be filed with the Secretary of State shall become effective on the 30th day after the date it is filed unless, among other things, the regulation or order of repeal is determined to be an improperly transmitted building standard. Furthermore, existing law defines "codification" of a building standard to mean publication by the commission pursuant to the provisions of the Administrative Procedures Act.

This bill would eliminate the provision requiring the commission to transmit to the office a certified copy of a regulation upon its approval of a building standard or order of repeal, and repeal the requirement that the office consider the commission's approval during its review of regulations that are building standards. It would also repeal the exception to the 30-day effective date for building standards and redefine the term "codification" to mean publication in the State Building Standards Code by the commission, including emergency standards.

Existing law requires a state agency to provide notice at least 45 days prior to a hearing on the adoption, amendment, or repeal of a regulation and specifies the type of information to be included in that notice.

This bill would revise those notice provisions, as specified, and would provide that no further adoption, amendment or repeal to the noticed regulation shall be made without subsequent notice being given. It would also authorize the Office of Administrative Law to refuse to publish a submitted notice if the agency has failed to comply with statutory provisions regarding the adoption, amendment, and repeal of regulations.

Existing law requires an agency to prepare and make available, a general statement of reasons for proposing the adoption or amendment of a regulation and specifies the type of information to be included in that statement.

This bill would revise the information to be included in the statement so as to require a final statement of reasons, which would include a summary of objections and comments made to the regulation together with a statement of how the proposed regulation

has been amended to accommodate the objections and comments or the reasons for their rejection, and an informative digest, similar to that of the Legislative Counsel's digest for legislative bills, containing a clear and concise summary of all immediately preceding laws and regulations directly related to the regulation.

Existing law requires generally that an agency give any interested person the opportunity to present statements in writing, or if a public hearing is scheduled, to make an oral presentation if requested within a specified time, at the hearing.

This bill would repeal this provision and would instead require the agency, if a public hearing is held, to permit oral or written statements, or both. It would require a public hearing if an interested person submits a written request therefor. It would also prohibit, except as specified, the adoption, amendment, or repeal of any regulation unless the full text has been made available to the public at least 45 days prior to the hearing or the close of the period for written comments.

Existing law requires every agency to maintain a file of each rulemaking proceeding and specifies the type of information to be included in the file.

This bill would specify additional information to be kept in the file and require the submission of the file or a copy of the rulemaking file to the office, which file shall include an index and a sworn statement by the official compiling the file attesting to the date the file was closed, and stating that the file is complete.

Existing law authorizes the Office of Administrative Law to initiate a review, on its own motion or upon petition of an interested person, of any regulation, or group, or series of regulations, within 6 months of specified schedules for review by an agency of its own regulations.

This bill would instead provide that review by the office may take place within 6 months after a Statement of Review Completion has been submitted by an agency. It would require an agency to complete the amendment or repeal of a regulation within 6 months of submission of the statement unless extended by the office for good cause shown, and would require the office to approve or disapprove a proposed amendment, adoption, or repeal within 6 months of the submission thereof to the office.

Existing law authorizes the Governor to overrule a decision of the office disapproving a proposed regulation or ordering the repeal of a regulation.

This bill would require the Governor to transmit to the Rules Committees of both houses of the Legislature a statement of reasons for overruling a decision of the office.

This bill would also require the office to initiate a review of any regulation, or group, or series of regulations, as specified, within 60 days of receipt of a request of any standing, select, or joint committee of the Legislature.

Existing law authorizes any interested person to institute an action for declaratory relief to test the validity of an agency regulation. This bill would provide that the right to declaratory relief shall not be affected by a failure to seek reconsideration of a petition to the agency to adopt, amend, or repeal a regulation.

Existing law provides that a court may declare a regulation invalid if, in addition to other grounds, it finds the regulation is not reasonably necessary to effectuate the purposes of the statute relied upon as authority for adoption of the regulation. This bill would include in those grounds a finding that the regulation is not reasonably necessary to effectuate a court decision or other law which is being implemented, interpreted or made specific by the regulation.

This bill would also make additional changes in Sections 11340 and 11340.1 of the Government Code, proposed by AB 1745 to become operative only if this bill and AB 1745 are both chaptered and become effective on January 1, 1982, and this bill is chaptered after AB 1745.

This bill would also, if both this bill and SB 498 are chaptered and this bill is chaptered after SB 498, repeal redundant provisions, Sections 11346 11, 11346 51, and 11346.81, Government Code, which would be enacted by SB 498.

This bill would make other related technical changes in the law.

Ch 866 (SB 835) Boatwright Public contracts. payments withheld to insure performance

Existing statutes impose various requirements upon public agency contracts and related bidding

This bill would. require inclusion in invitations for public agency bids and in public

agency contracts, of provisions providing for substitution of equivalent securities for moneys withheld to ensure performance and, at the request and expense of the contractor and without requiring the approval of the Department of Transportation, the deposit and investment thereof, as specified, with the contractor being the beneficial owner of the substituted securities and receiving any interest thereon, provide that failure to so include such provisions would void any provisions for performance retentions in a public agency contract, and make corresponding changes in the State Contract Act

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1987, the provisions contained in the bill for which state reimbursement is required

#### Ch 867 (SB 653) Boatwright California State University and Colleges

(1) Existing law requires the Trustees of the California State University and Colleges to seek approval from the Department of General Services, or other state departments or agencies in matters pertaining to interests in property, bonds, insurance, official printing and binding, contracts, purchases, and other specified actions.

This bill would give the Trustees of the California State University and Colleges authority, with limited exceptions, necessary to carry out specified purposes and functions of the State University and Colleges without obtaining prior approval from any other state department or agency

This bill would require the Trustees of the California State University and Colleges to report, by January 1, 1986, to the Joint Legislative Budget Committee concerning the cost effectiveness of the authority provided them by this bill

The above provisions of this bill would be repealed after 5 years

The bill would incorporate additional changes in Section 14780 of the Government Code proposed by SB 295 if that bill and this bill are chaptered and become effective on or before January 1, 1982, and this bill is chaptered last

(2) Under existing law, the Trustees of the California State University and Colleges are given broad authority to administer the CSUC system and may provide for courses both on and off state university or college campuses. Current law also provides for the review of new institutions or branches of the CSUC system by the California Postsecondary Education Commission

This bill would appropriate \$230,000 to the trustees for the purpose of offering upper division and graduate level courses in Contra Costa County

This bill would also provide that the funds appropriated shall not be expended unless approved by the commission

#### Ch 868 (AB 1818) Costa Teachers' Retirement System, State board

The State Teachers' Retirement Law presently provides that the membership of the Teachers' Retirement Board includes 1 member appointed by the Governor who is an official of a bank and 1 member appointed by the Governor who is an official of a life insurance company

This bill would permit the banking member to be an officer of a savings and loan institution, would require that member to possess specified qualifications, and would provide that both members shall be officers rather than officials

#### Ch 869 (SB 637) Johnson Health planning

Under existing law relating to health planning, the Office of Statewide Health Planning and Development is required to issue a certificate of need to health facilities before certain projects can be undertaken, as prescribed

This bill would exempt from that requirement any general acute-care hospital which



applies for an increase in its bed capacity of either 10 beds or 10% of its existing bed capacity, as prescribed.

This bill would also exempt from these requirements the conversion of a freestanding skilled nursing facility to a chemical dependency recovery hospital if certain conditions are met

**Ch. 870 (SB 758) Petris. Medi-Cal utilization controls**

Existing law does not provide a 2-year pilot program in Alameda County when, pursuant to federal law under the Medicare program, a county hospital based utilization review committee has been established to determine the level of authorization for payment, and a utilization plan has been filed with the department and approved by it, utilization controls shall not be required for services under the Medi-Cal program.

This bill would establish this program, and would include a provision requiring that the State Department of Health Services adopt rules and regulations implementing the program within 60 days of the effective date of this bill. The regulations shall contain a requirement that a hospital's utilization review committee shall demonstrate its cost effectiveness.

The bill would require the department to submit a report on the pilot program to the Legislature no later than 18 months after commencement of the program

**Ch. 871 (AB 481) Alatorre. Public social services**

Existing statutes do not provide for a program manager for services to the blind and partially sighted, or a program manager for services to the deaf and hearing-impaired within the State Department of Rehabilitation

This bill would establish, within the State Department of Rehabilitation, a program manager position for services to the blind and partially sighted, and a program manager position for services to the deaf and hearing-impaired, and would require that the managers have demonstrated experience and sensitivity in working with these disabilities. It would make these managers responsible for programs within the department for the blind and partially sighted and the deaf and hearing-impaired, respectively, as established by the director

The bill would require these program managers, by June 30 of each year, to report to the State Director of Rehabilitation and the Legislature on accomplishments, service needs, and plans to meet those rehabilitation needs of the blind and partially sighted, and the deaf and hearing-impaired, respectively

This bill would provide that its provisions shall be effective only to the extent permitted by federal law

This bill would repeal these provisions on January 1, 1987

**Ch. 872 (SB 659) Ellis. Marriage: licenses**

Existing law permits all persons authorized by law to perform marriages to solemnize a marriage between unmarried persons, not minors, living together as man and wife, without the necessity of obtaining either a marriage license or a health certificate. A certificate of confidential marriage is filed with the county clerk by the clergyman or other person performing the ceremony. A fee is collected by the county clerk at the time of the filing of the marriage certificate (the certificate forms are furnished to the person performing the marriage by the clerk). Counties having a conciliation court are also authorized to impose an additional fee. The certificates are retained by the county clerk and are not open to public inspection except upon court order. The clerk is required to periodically report the number of the certificates filed to the State Department of Health Services

This bill would revise the above procedure to specify that it is available only to an unmarried man and an unmarried woman, and to require, except in certain limited circumstances, the personal appearance of the parties to be married before a county clerk, clerk of the court, a judge in private chambers who would issue an authorization for the performance of a confidential marriage ceremony, to be presented to the person performing the ceremony (the authorization and the marriage certificate would be part of one document, the form of which would be prescribed by the State Registrar of Vital Statistics and which would be designed in a manner such that the parties to be married must declare or affirm that they meet all of the requirements necessary to authorize such

a marriage). A fee would be required to be paid as specified. It would require the person performing the ceremony to furnish a copy of the confidential marriage certificate to the parties who were married.

It would also permit the issuance of an authorization by a person empowered by law to administer oaths, as specified.

It would require the clerk to quarterly file copies of the confidential certificates with the State Registrar of Vital Statistics rather than reporting on the number of certificates filed. It would also make related changes.

*Under existing law, it is a misdemeanor for a person solemnizing a marriage to fail to comply with certain requirements with respect thereto.*

This bill would also make it a misdemeanor for the person performing the marriage to fail to file the confidential marriage certificate with the county clerk within 30 days of the solemnization of the marriage, or to perform a confidential marriage in the absence of authorization. It would also specify that the making of a false return of marriage to the clerk or a failure to file the marriage license with the certificate endorsed thereon with the clerk, as specified, is a misdemeanor.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 873 (SB 930) Maddy Health planning.

(1) Existing law provides for a comprehensive state health planning law.

Existing law requires the Office of Statewide Health Planning and Development to review applications for certificates of need, and to issue these certificates when certain criteria are met.

This bill would permit the Director of the Office of Statewide Health Planning and Development to waive specified requirements of the certificate-of-need process, simplify procedures for projects not directly related to patient care, and exempt certain additional projects from certificate-of-need requirements. The bill would revise minimum expenditures necessary before certain projects are required to obtain a certificate of need.

This bill would establish the Health Planning Law Revision Commission, which would recommend to the Legislature and the Governor alternatives for assuring rational planning for the efficient distribution and use of health resources in a manner which assures equal access to quality health care at a reasonable cost. The bill would give the commission the authority to appoint technical advisory committees.

If the National Health Planning and Resources Development Act of 1974 is repealed, terminated, or if Congress fails to appropriate funds, this bill would revise projects requiring a certificate of need, as of a specified date.

In addition, this bill would authorize the Governor (a) to request that the Secretary of Health and Human Services eliminate the federal designation and funding of health service areas, (b) to terminate duties assigned to area health systems planning agencies, and (c) to assign these functions to the Office of Statewide Health Planning and Development if health system agencies lose all or substantially all federal funding and which is not replaced by other funding.

(2) Under existing law, one function of an area health planning agency is to review applications for certificates of need, as specified, and to make recommendations to the office as to the need and desirability of projects proposed in the application, as specified.

This bill would permit an area health planning agency, with the concurrence of the Office of Statewide Health Planning and Development, to waive participation in the review of any application or class of applications for certificates of need.

(3) Under present law, the Administrative Procedure Act generally governs the procedure used in hearings of the Office of Statewide Health Planning and Development on certificate-of-need applications. However, present law expressly authorizes the office to use its own hearing officer, rather than a hearing officer on the staff of the Office of Administrative Procedure in the Department of General Services.

This bill would make various changes in these hearing procedures, including the establishment of a unit of hearing officers in the Office of Administrative Hearings for purposes of state health planning and certificate-of-need requirements. It would provide for the transfer of hearing officers employed by the Office of Statewide Health Planning and Development to this unit on the effective date of this bill.

(4) Existing law prescribes procedures for determining whether an application for a certificate of need is complete.

This bill would make revisions in these procedures, as specified.

(5) When an application is made for a certificate of need for specified health facility projects, existing law requires the appropriate area health planning agency to hold one or more public meetings for review and comment on the application.

This bill would define "a person affected by the application" for purposes of this provision in existing law.

**Ch 874 (SB 1163) Craven County water authority finances.**

(1) Under existing law, county water authorities organized under the County Water Authority Act may by a  $\frac{3}{4}$  vote of the board incur indebtedness by contract other than by voting bonds or expenditure of bond proceeds up to a total amount equal to one-tenth of 1% of the assessed valuation of property taxable for authority purposes. A proposal to incur an indebtedness in excess of that amount must be submitted to the voters.

This bill would define assessed valuation for this purpose.

(2) Under existing law, the tax rate of a county water authority must be taken as a full cent on each \$100 assessed valuation.

This bill would delete the requirement that the tax rate be levied in full cents.

(3) The bill would take effect immediately as an urgency statute.

**Ch 875 (SB 356) Sieroty Minors investigations.**

Under existing law, a probation officer or social worker is required to make an investigation whenever he or she has cause to believe that there is a minor in the county who could be adjudged a dependent child of the court.

This bill would require the probation officer or social worker, as a part of the investigation, to interview the minor, if the minor is 4 years of age or older and is in juvenile hall or in another custodial facility, or has been removed to a foster home, and report thereon as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 876 (SB 996) Vuch Building standards**

(1) Existing law requires cities and counties to adopt and enforce building standards published in the State Building Standards Code, as specified, and other regulations relating to buildings.

This bill would require, until January 1, 1988, that every city and county, except as specified, obtain and maintain current in the office of the building official enforcing those requirements a copy of specified titles of the California Administrative Code.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234 for a specified reason.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

**Ch. 877 (AB 1241) Chacon. Dentistry: dental assistants.**

Existing law provides that the Board of Dental Examiners of California shall license as a registered dental assistant a person who provides evidence of (1) graduation from an approved educational program in dental assisting and satisfactory performance on an examination required by the board, or (2) satisfactory work experience of more than 18 months as a dental assistant and satisfactory performance on an examination required by the board.

This bill would specify that the examination required in (1) and (2) above be a written examination and would provide that, on and after January 1, 1984, every applicant seeking licensure as a registered dental assistant pursuant to (1) and (2) above shall provide evidence of his or her satisfactory performance on a written and practical examination required by the board.

**Ch. 878 (SB 199) Marks Courts: San Francisco.**

Existing law specifies the number, compensation, and qualifications of superior and municipal court personnel in San Francisco.

This bill would revise the number, compensation, and qualifications of superior and municipal court personnel in San Francisco.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 879 (SB 338) Marks. Air pollution: marine vessels.**

Existing law requires the State Air Resources Board to prepare and submit to the Legislature on or before January 1, 1981, its recommendations with regard to the air pollution regulation of marine vessels, and prohibits the state board from implementing any emission requirements for marine vessels prior to July 1, 1981, except for enforcement of any rule or regulation governing marine vessels adopted by an air pollution control district prior to July 1, 1979, or amended thereafter.

This bill would extend the date for the submission of the state board's report on marine vessels to July 1, 1982, and would extend the prohibition on the state board's adoption of emission requirements for marine vessels to July 1, 1982.

**Ch. 880 (SB 567) Boatwright. Municipal courts: Contra Costa County.**

Existing law provides for the number, classification, and compensation of municipal court personnel in Contra Costa County.

This bill would revise the number, classification, and compensation of municipal court personnel in Contra Costa County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 881 (SB 431) Robbins Mobilehome parks inclusion of factory-built housing.**

Present law does not expressly permit the location of factory-built housing in mobilehome parks.

This bill would authorize factory-built housing and specified mobilehomes and manufactured homes in certain mobilehome parks, as specified, on specially designated lots. Such authorization would be limited to structures not exceeding 4 dwelling units or 2 stories in height, and which conform to the rules of the mobilehome park.

**Ch. 882 (SB 938) Johnson Municipal courts Placer County.**

Existing law does not provide for a municipal court in Placer County.

This bill would establish a municipal court in Placer County, to become operative upon the expiration of the terms of office of the justice court judges holding office when the bill takes effect.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 883 (SB 853) Presley Municipal Courts Riverside County**

Existing law specifies the number, classification, and compensation of various officers and employees of the municipal courts in Riverside County.

This bill would revise the number, classification, and compensation of various officers and employees of the municipal courts in Riverside County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 884 (SB 35) Beverly Jurors**

Under existing law, a trial jury consists of 12 persons, or, with respect to civil actions or misdemeanor cases, any lesser number agreed upon by the parties in open court.

This bill would establish a pilot project in the County of Los Angeles from July 1, 1982, to July 1, 1985 under which trial juries in civil actions in municipal and justice courts shall consist of 8 persons.

The bill would also impose various data collection, evaluation, and reporting duties upon the Judicial Council and the County of Los Angeles. Costs imposed on the Judicial Council would be paid from existing appropriations for the support of the Judicial Council.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

**Ch 885 (SB 741) Watson Schools transportation allowance regional occupational center or program**

Existing law provides for a home-to-school transportation reimbursement to school districts. Transportation is defined to mean, among other things, the transportation of pupils between their homes and the regular full-time day schools they attend.

This bill would redefine transportation to include the transportation of pupils between the regular full-time day schools they would attend and the full-time occupational training classes attended by them as provided by a regional occupational center or program.

This bill would prescribe a method of computing the transportation allowance of a regional occupational center or program whose total transportation costs exceed 10% of its total operational budget.

This bill would state the legislative intent that the transportation provided by a regional occupational center or program which receives state reimbursement utilize existing schoolbuses and personnel.

Existing law authorizes, under specified circumstances, the governing board of a school district which provides for the transportation of pupils to and from schools to require the parents or guardians of all or some of the pupils transported to pay a portion of the cost of the transportation.

This bill would extend that authorization to require partial payment of the cost of the transportation of pupils between the regular full-time day schools they would attend and the full-time occupational training classes attended by them as provided by a regional occupational center or program.

This bill would be deemed operative for the entire 1981-82 fiscal year.

Ch. 885 (SB 1124) Alquist. Budget Act: fiscal affairs.

(1) Existing law provides that after December 31, 1981, no money in the Energy and Resources Fund or the Resources Account in the Energy and Resources Fund may be transferred to the Energy Account in the Energy and Resources Fund unless a Department of Energy has been created or a reorganization of the State Energy Resources Conservation and Development Commission has occurred either by legislative enactment or by a Governor's reorganization plan which is not disapproved by the Legislature.

This bill would delete the alternative of the creation of a Department of Energy with regard to the limitation on the transfer of the described money to the Energy Account in the Energy and Resources Fund. In addition, this bill would change the operative date of the limitation on the transfer of the described money from December 31, 1981, to June 30, 1982.

(2) Section 19.93 of the Budget Act of 1981 transferred \$18,000,000 to the General Fund from a specified reserve for capital outlay projects.

This bill would, instead, transfer \$8,172,529 to the General Fund

(3) Existing law requires each state agency for which an appropriation has been made, to submit to the Department of Finance for approval a complete and detailed budget, setting forth all proposed expenditures and estimated revenues for the ensuing fiscal year.

This bill would require each state agency requesting funds from the State Energy Resources Conservation and Development Special Account in the Governor's Budget for the 1982-83 fiscal year to prepare a program budget for those programs proposed to receive those funds, as specified.

(4) Item 818-101-001 of the Budget Act of 1981 appropriated \$100,000 from the General Fund for payment to counties for the costs of homicide trials, as specified.

This bill would appropriate an additional \$1,783,717 in augmentation of that appropriation.

(5) Item 119-016-769 of the Budget Act of 1981 appropriated \$1,093,925 from the Private Investigator and Adjuster Fund for support of the Bureau of Collection and Investigative Services in the Department of Consumer Affairs during the 1981-82 fiscal year.

This bill would appropriate an additional \$293,205 from the Private Investigator Fund in augmentation of that appropriation.

(6) The bill would take effect immediately as an urgency statute.

Ch. 887 (SB 1160) Mello. City and county zoning: single-family residence: adults.

Under existing law a city or county may, by ordinance, designate various zones within the city or county and specify the uses which may be permitted on the land within those zones. Within such zones the city or county may condition certain uses or require special use permits or zoning variances for certain uses.

This bill would permit a city, including a charter city, a county, or city and county to issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or attached to, a primary residence on land zoned for a single-family residence if the dwelling is intended for the sole occupancy of an adult or adults who have reached age 60 and the area of floor space of the dwelling does not exceed 640 square feet.

Ch. 888 (SB 1028) Rains. Attorney's fees

Under existing law, where a contract provides that attorney's fees and costs incurred to enforce the contract shall be awarded to one of the parties, then the prevailing party in an action on the contract is entitled to attorney's fees and costs, whether or not it is the party named in the contract.

This bill would provide that reasonable attorney's fees would be fixed by the court and would be an element of the costs of suit.

The bill would require the court to determine who is the prevailing party whether or not the suit proceeds to final judgment. It would provide that the prevailing party is the party who is entitled to recover costs of suit, except as specified.

It would also provide that where a defendant alleges that he or she has tendered to the plaintiff the full amount due, and deposits that amount in court and the allegation is found to be true, then the defendant shall be deemed to be the prevailing party.

#### Ch. 889 (SB 1083) Petris. Lis pendens.

Under existing law, a party may record a notice of the pendency of an action, commonly known as a lis pendens, at any time after an action concerning real property or affecting the right of possession of real property is commenced without notice or hearing. Following the recordation of a lis pendens, a subsequent purchaser or encumbrancer is deemed to have notice of the action as it relates to the real property. The lis pendens is required to be filed in the county in which the property is located, which may or may not be the same county in which the underlying action is filed.

This bill would require the party causing the lis pendens to be recorded to first cause a copy of the lis pendens to be served upon the other party or owner of record and also to file a copy with the court in which the action is filed. The lis pendens would be void in the absence of compliance with this requirement, as specified.

In the absence of a known address for the person to be served, the party causing the lis pendens to be served would be required to record a declaration to this effect in place of proof of service.

#### Ch. 890 (SB 631) Dills. Teacher Credentials Fund.

Under existing law, there is a Teacher Credentials Fund in the State Treasury. All fees levied by the Commission for Teacher Preparation and Licensing are deposited in the fund. It is the intent of the Legislature that fees levied for the issuance of teachers' credentials shall be sufficient to offset the activities of the commission. The fund is continuously appropriated for the support of the commission.

This bill would require the commission, in consultation with the Department of Finance, to levy fees for the issuance and renewal of teaching and service credentials, in a manner to offset the costs of all activities of the commission.

The bill would further provide for reduction of fees, in the event that the commission has unencumbered funds, as specified.

Existing law provides that in no case shall the fee for issuance and renewal of teaching and related credentials exceed \$30.

This bill would increase that limit to \$40.

This bill would also require that the Legislative Analyst include recommendations for alternatives to funding the Commission for Teacher Preparation and Licensing solely from fees on new credential applications in the analysis of the proposed 1982-83 budget.

This bill would take effect immediately as an urgency statute.

#### Ch. 891 (SB 936) Stiern. Community colleges construction, repair and maintenance.

(1) Existing law provides for the Community Colleges Construction Act of 1980, which would be repealed on July 1, 1982.

This bill would eliminate the July 1, 1982, repeal provision and extend the act indefinitely. This bill would provide that community college districts are subject to a state post-audit review of fund claims for capital outlay projects.

(2) Under existing law, before letting any contract totaling \$100,000 or more for construction or alteration, a community college must submit plans to the chancellor's office to obtain written approval.

This bill would instead allow contracts for construction or alteration totalling up to \$150,000 before prior approval is required.

(3) Existing law provides that a proposed project submitted by the governing board prior to February 1 of the year for the chancellor's review and approval shall be finally acted upon by the chancellor, as specified, on or before the next succeeding April 1.

This bill would extend the time for final action by the chancellor to on or before the

next succeeding May 1.

**Ch 892 (SB 986) Holmdahl. Building permits owner-builder verification**

(1) Existing law requires every city or county which requires the issuance of a building permit as a condition precedent to specified building activities to print specified declarations on the front side, left column of the building permit, and prohibits issuance unless the declarations are properly executed

This bill would expressly exempt the city or county or its employees from liability for the determination of the truth or accuracy of the declarations

(2) Existing law requires, whenever a building permit is issued in the name of the owner as builder that specified notice and verification forms be mailed to the owner and a specified signed verification be returned as a condition precedent to issue of the building permit Existing law prohibits those forms from being provided in person to the person applying for the building permit

This bill would permit a city or county to provide those forms to any applicant who presents identification sufficient to identify himself or herself as the property owner

(3) Existing law requires that the owner-builder verification form be substantially in a specified form, which includes the property owner's social security number.

This bill would delete the social security number from the specified form

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

**Ch 893 (AB 933) Kapiloff Special education**

Existing law provides for ongoing comprehensive evaluation of special education programs and an independent evaluation of those programs, as specified, through January 1, 1982

This bill would require that the State Department of Education contract for a study to examine the process of identification of individuals with exceptional needs and the extent of misdiagnosis of individuals with perceptual problems, as specified This bill would also require the department to include the intent to issue the contract in its 1982-83 fiscal year plan for federal assistance for education of all handicapped children and to utilize any funds that are available for such purposes.

**Ch 894 (AB 1529) Berman Workers' compensation**

(1) Existing law requires every employer to secure the payment of workers' compensation in one or more specified ways

This bill would provide that the failure to secure the payment of compensation by one who knew, or because of his business knowledge or experience should be reasonably expected to have known, of the obligation to secure the payment of compensation, is a misdemeanor

(2) Existing law creates the Uninsured Employers Fund in the State Treasury, and if an employer fails to pay a workers' compensation award, the award shall be paid from the fund upon application by the person entitled to the benefits

This bill would provide that the Uninsured Employers Fund has no liability for claims of occupational disease or cumulative injury unless no employer during the period of liability for occupational disease or cumulative injury has provided for the payment of compensation, and would prohibit an employee in a claim of occupational disease or cumulative injury from proceeding against an illegally uninsured employer The fund also would not be liable to pay for medical treatment for which the employer is liable and which has been provided or paid for by Medi-Cal

(3) Existing law provides that in any workers' compensation hearing, investigation, or proceeding, the attorneys of the Department of Industrial Relations may represent the director and the state with the Attorney General's permission

This bill would delete the requirement that the Attorney General give permission for the attorneys of the department to represent the director and the state in such proceed-



ings

(4) Existing law requires the Attorney General to institute a civil action against an employer for the collection of an award against the employer which is paid by the Uninsured Employers Fund

This bill would instead require the Director of Industrial Relations to institute such civil action, and would provide that all persons who are a parent or substantial shareholder, as defined, of a corporation are jointly and severally liable with the corporation which was the employer and which did not secure the payment of workers' compensation.

(5) This bill would also add detailed provisions regarding the Uninsured Employers Fund relating to the payment of expenses, penalties, and interest, the recovery of damages from any person other than the employer who causes the employees' injury, and the providing of compensation from the fund.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 895 (SB 209) Marks. Commencing of criminal actions: rape.

Existing law provides that the prosecution of felonies, other than murder, embezzlement of public moneys, kidnapping for ransom, and falsification of public records, must be commenced within specified times

Prosecutions for rape, rape in concert with another person, sodomy, oral copulation, and penetration of anal or genital openings with a foreign object against the victim's will must be commenced within 3 years of their commission. Prosecutions for lewd and lascivious acts upon the body of a child under 14 must be commenced within 5 years after their commission

This bill would provide that a prosecution for rape, rape in concert with another person, specified offenses of sodomy or oral copulation, penetration of anal or genital openings with a foreign object against the victim's will, or lewd and lascivious acts upon the body of a child under 14 must be commenced within 6 years of their commission.

The bill would become operative only if SB 276 and AB 303 are chaptered on or before January 1, 1982, as specified.

Ch. 896 (AB 1422) Bergeson. Sexual assault

Existing law provides that unlawful sodomy and unlawful oral copulation occur, among other ways, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person or when the act is accomplished voluntarily in concert against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person

Existing law punishes by imprisonment in the state prison every person who causes the penetration of the genital or anal openings by any foreign object against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

This bill would provide that any person who commits an act of sodomy, oral copulation, or penetration of the genitals by a foreign object when the victim is at the time incapable, through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than 1 year

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

**Ch. 897 (AB 1463) Hart. Vessels. operation violations**

(1) Under existing law, any person who uses any boat or vessel or manipulates any water skis, aquaplane, or similar device while under the influence of intoxicating liquor or under the influence of any narcotic or restricted dangerous drug as defined in specified provisions of the Health and Safety Code is guilty of a misdemeanor

This bill would prohibit any person from operating any boat or vessel or manipulating any such device while so under the influence, and while so operating, do any act forbidden by law, or neglect any duty imposed by law, which act or neglect proximately causes death or serious bodily injury to any person other than himself. The bill would prescribe the punishment for any such violation, and would prescribe minimum jail terms and fines for subsequent violations within 5 years of specified prior convictions where the person is granted probation. The bill would specify the circumstances and conditions under which the court may strike a prior conviction for purposes of sentencing in order to avoid those minimum punishments.

The bill would also make violation of specified provisions requiring the stoppage of vessels upon order of peace officers or harbor policemen a misdemeanor, subject to prescribed punishment.

(2) Under existing law, "operator" is defined to mean the person on board who is in control or in charge of a vessel while it is in use.

This bill would redefine "operator" to mean the person on board steering the vessel while underway.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 898 (AB 1638) Bates. Local agency reduced worktime**

Existing law does not provide for a reduced worktime program for local agency employees.

This bill would enact a reduced worktime program for local agency employees of any city, county, city and county, and public school district, which would be applicable to the employees only if the local agency and employee organizations enter a written agreement pursuant to the employer-employee relations laws that employees covered by the agreement are covered.

The reduced worktime program, defined as employment of less than 40 hours of work per week for those individuals unable or not desiring a standard worktime, would prohibit the impairment of employment rights or benefits of any employee, and would provide that the reduced worktime employees shall have the same rights during layoff as full-time employees. The bill would not apply to full-time peace officers unless approved by the peace officers' appointing power.

This bill would require the governing body of the local agency to adopt rules and guidelines relating to reduced worktime implementation, and would allow employees forced or coerced into a reduced worktime, or employees unreasonably denied the right to participate in the program, to file employee grievances.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

Ch 899 (AB 1748) Harris. Fair employment and housing.

(1) Existing law requires the commission, if it finds that a respondent has engaged in any unlawful practice, to issue an order requiring the respondent to take specified actions, including, among others, the payment of actual and punitive damages to the aggrieved person in an amount not to exceed \$1,000.

This bill would instead permit the commission to order the payment of punitive damages in an amount not to exceed \$1,000, adjusted annually in accordance with the Consumer Price Index, and to order the payment of actual damages, with no limitation.

(2) Existing law provides that nothing in the FEHA relating to discrimination in employment shall require an employer to alter his premises to accommodate employees who have a physical handicap or medical condition beyond safety requirements applicable to other employees.

This bill would instead provide that nothing in the FEHA relating to discrimination in employment shall be construed to require an employer to make any accommodation for an employee who has a physical handicap that would produce undue hardship to the employer.

(3) This bill would also make technical changes to existing law

Ch. 900 (AB 1684) Harris Courts: findings and conclusions.

Existing law requires superior, municipal, and justice courts, upon the trial of a question of fact by the court, to issue written findings of fact and conclusions of law if requested by a party, with certain exceptions, and sets forth rules of law regarding the legal effect of the findings and conclusions

This bill would eliminate the requirement for such findings of fact and conclusions of law and would provide, in lieu thereof, that upon request of any party appearing at the trial, made within 10 days after the court announces a tentative decision, or if the trial has lasted less than one day, made prior to submission of the matter for decision, such a court shall issue a statement of decision explaining the factual and legal basis for its decision as to each of the principal controverted issues at trial. The bill would specify that the statement shall be in writing, unless the parties appearing at trial agree otherwise or unless the trial has been completed within one day. It also would make related changes

Ch. 901 (SB 276) Rains Limitation of actions: sexual assaults

Existing law provides that the prosecution of felonies, other than murder, embezzlement of public moneys, kidnapping for ransom, and falsification of public records, must be commenced within specified times

Prosecutions for rape, rape in concert with another person, sodomy, oral copulation, and penetration of anal or genital openings with a foreign object against the victim's will must be commenced within 3 years of their commission. Prosecutions for lewd and lascivious acts upon the body of a child under 14 must be commenced within 5 years after their commission

This bill would provide that a prosecution for rape, rape in concert with another person, specified offenses of sodomy or oral copulation, penetration of anal or genital openings with a foreign object against the victim's will, or lewd and lascivious acts upon the body of a child under 14 must be commenced within 6 years of their commission.

The bill would become operative only if SB 209 and AB 303 are chaptered on or before January 1, 1982, as specified

Ch. 902 (AB 127) Kelley Air pollution gasoline vapor control.

(1) Existing law requires the State Air Resources Board to adopt standards, rules, and regulations to carry out the provisions of state law relating to air pollution control. The state board is required to adopt performance standards for gasoline vapor control systems during gasoline marketing operations and to certify any gasoline vapor control system meeting its performance standards. The State Fire Marshal, the Division of Industrial Safety of the Department of Industrial Relations, and the Division of Measurement Standards of the Department of Food and Agriculture are also required to adopt rules and regulations on various aspects of gasoline vapor control systems and components and to certify compliance with their respective rules and regulations.

Subject to the powers and duties of the state board, air pollution control districts and air quality management districts are required to adopt and enforce rules and regulations which assure that reasonable provision is made to achieve and maintain state ambient

air quality standards for the area under their jurisdiction and to enforce all applicable provisions of state law. A district may adopt stricter procedures and performance standards for gasoline vapor control systems than those adopted by the state board, except that gasoline vapor control systems installed and operating in compliance with requirements of the Bay Area Air Quality Management District are exempt from retrofitting requirements until September 26, 1981.

This bill would do the following

(a) Require the state board, within 90 days after the effective date of the bill, to adopt additional performance standards, after public hearings, to assure that the gasoline vapor control systems used in motor vehicle fueling operations do not cause excessive spillage

(b) Require the Division of Measurement Standards, within 120 days after the effective date of the bill, to adopt additional performance standards, and standardized certification and compliance test procedures, to prevent gasoline recirculation by gasoline vapor control systems used in motor vehicle fueling operations.

(c) Exempt any gasoline vapor control systems or their components from revised standards for a period of 4 years from the effective date of the revised standards, except for a system or component which creates a hazard to public health and welfare or results in gasoline recirculation.

(d) Require that certification testing of a system or component with respect to gasoline recirculation be conducted by an independent testing laboratory.

(e) Establish procedures for marking a system or component out of order and prohibit use of the component until it has been repaired, replaced, or adjusted, and it has been reinspected or authorized for use pending reinspection.

(f) Require each district which requires installation of vapor control systems to establish a toll free telephone number for complaints, to diligently investigate or refer the complaints, and to send a copy of the complaint and response to the state board.

(g) Require the state board, on or before January 1, 1983, to file a report with the Legislature concerning complaints and actions taken.

(h) Require the operator of each service station using gasoline vapor control systems in motor vehicle fueling operations to post operating instructions for the system in the gasoline dispensing area.

(i) Exempt, until the time that more than one system is certified by the state board and the Division of Measurement Standards, vapor control systems established and operating in compliance with requirements of the Bay Area Air Quality Management District from stricter district requirements for retrofitting the systems with new or additional equipment for achieving greater vapor recovery efficiency

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1987, the provisions contained in the bill for which state reimbursement is required

(4) The bill would take effect immediately as an urgency statute

#### Ch. 903 (AB 1876) Bates Real property nonjudicial foreclosure

Existing law requires the posting of notice of sale upon the property to be sold pursuant to a private power of sale contained in any deed of trust or mortgage before any sale can be made.

This bill would require the notice to be posted on a door of the residence if possible, or in a conspicuous place on the property, and would require the notice to contain a specified statement

**Ch. 904 (AB 1925) M. Waters Courts notice of judgment.**

Under existing law, the clerk mails the notice of entry of judgment in a contested action or special proceeding in superior court, municipal court, and justice court to all parties who appeared

This bill would provide an exception thereto, whereby the prevailing party in a contested action or special proceeding in superior, municipal, or justice court prepares and mails a copy of the notice of entry of judgment to all parties who appeared, as specified, and files with the court a proof of mailing of notice of judgment and the original notice, except that the court would be authorized to order the clerk to mail notice of entry of judgment in cases where justice would be better served thereby. The time for appeal would begin on the day proof of service by mail is filed, and execution on the judgment or order would be stayed until that time.

The bill would also specify that a court may enter judgment pursuant to a stipulation of settlement

**Ch 905 (AB 2189) Katz Occupational safety scaffolding.**

Existing law contains provisions which require an employer to provide safety lines under specified circumstances when scaffolding is used in connection with work upon any building or structure

This bill would permit the Occupational Safety and Health Standards Board to adopt standards different from these provisions or grant variances from the provisions if the standards or variances provide equivalent or superior safety for employees.

**Ch 906 (AB 2051) Farr Monterey County general plan**

Existing law requires every county or city, whether chartered or general law, to prepare and adopt a general plan containing certain elements within specified time limits Existing law requires the Director of Planning and Research to grant a reasonable extension of time, not to exceed 1 year, for the adoption of 1 or more general plan elements if the legislative body of the city or county applying for such extension makes 1 or more specified findings Existing law also authorizes the city or county to request, and the director to grant, 1 additional extension of time to complete the element or elements for which the original extension was granted provided the city or county is able to demonstrate that both substantial effort and progress have been made toward the completion of the element or elements.

This bill would require the Director of Planning and Research to grant the County of Monterey an extension of time until October 1, 1982, for the preparation and adoption of a complete and adequate general plan, and would, in the interim, require the board of supervisors to make specified findings prior to approving development projects.

The bill would become operative October 1, 1981, unless the Director of Housing and Community Development makes a written finding, on or before that date, that the County of Monterey has not adopted a housing element which meets the requirements of existing law, in which case the bill would not become operative.

The bill would take effect immediately as an urgency statute

**Ch. 907 (AB 169) Robinson. Courts.**

(1) Existing law provides for 46 judges of the superior court in Orange County.

This bill would increase the number of judges of the superior court in Orange County from 46 to 50, and further increase the number to 51 upon the vacancy and abolition of a specified position

(2) Existing law provides for 6 judges in the Orange County Harbor Municipal Court.

This bill would increase the number of judges in the Orange County Harbor Municipal Court from 6 to 7

(3) Existing law provides for 27 judges of the superior court in the City and County of San Francisco

This bill would increase the number of judges of the superior court in the City and County of San Francisco from 27 to 28

(4) The bill would become operative on July 1, 1982.

(5) The bill would provide that no appropriation is made by the act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act, and that the act does not create any present or future obligation

to reimburse the agency or district for any costs incurred because of the act.

Ch. 908 (SB 1257) Doolittle. California Highway Patrol: Arden Way Office in Sacramento: exchange.

Existing statutes provide generally and specifically for the leasing, sale, transfer, and exchange of state property

This bill would: authorize the Director of General Services, with the approval of the State Public Works Board and the Department of the California Highway Patrol, to exchange the California Highway Patrol Office on Arden Way in Sacramento, as specified; require reimbursement to the Department of General Services of any related costs or expenses, and require any money received from the disposition to be deposited in the Motor Vehicle Account in the State Transportation Fund.

Existing statutes authorize the State Lands Commission to exchange state school lands for lands of the United States, as specified.

This bill would also authorize the commission, when it finds it in the best interests of the state for the acquisition of open space or for the purpose of consolidating, assembling, or managing parcels for specified purposes, to exchange state school lands for lands owned by any state agency, political subdivision, or person, partnership, company, or corporation, or by the United States or by any federal agency, as specified

Ch 909 (AB 303) Sher. Crimes. felonies.

Existing law provides that the prosecution of felonies, other than murder, embezzlement of public moneys, kidnapping for ransom, and falsification of public records, must be commenced within specified times.

Prosecutions for rape, rape in concert with another person, sodomy, oral copulation, and penetration of anal or genital openings with a foreign object against the victim's will must be commenced within 3 years of their commission. Prosecutions for lewd and lascivious acts upon the body of a child under 14 must be commenced within 5 years after their commission.

This bill would provide that a prosecution for rape, rape in concert with another person, specified offenses of sodomy or oral copulation, penetration of anal or genital openings with a foreign object against the victim's will, or lewd and lascivious acts upon the body of a child under 14 must be commenced within 6 years of their commission.

It would also require the California Law Revision Commission to conduct a study with regard to the statutes of limitations regarding felonies, as specified, and to report thereon to the Legislature on a priority basis.

The bill would become operative only if SB 209 and SB 276 are chaptered on or before January 1, 1982, as specified.

Ch. 910 (SB 123) Russell. County Employees Retirement Law of 1937: benefits.

(1) The County Employees Retirement Law of 1937 presently contains alternative benefits provisions that may be selected by each county.

This bill would permit Los Angeles County by resolution to adopt another alternative retirement plan which would supersede any conflicting statute and, under existing law, the matter would thus become subject to employer-employee relations provisions.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) The bill would take effect immediately as an urgency statute.

Ch 911 (SB 446) Keene. Physicians and surgeons.

Existing law requires the Division of Medical Quality of the Board of Medical Quality Assurance to carry out a pilot project involving no less than 3 medical quality review committees in which the evaluation of the competency of holders of physicians' and surgeons' certificates are made by such committees in conjunction with voluntarily participating quality assessment organizations.

The pilot project is currently authorized until January 1, 1982.

This bill would extend the authorization for the pilot project through June 30, 1984. A final report to the Legislature and the Governor evaluating the pilot project would be required by January 1, 1984. An annual interim report would be required on January 1, 1982.

The bill would appropriate \$74,446 from the Contingent Fund of the Board of Medical Quality Assurance for purposes of the act

**Ch. 912 (SB 477) Keene. Transportation of hazardous materials**

(1) Existing law requires an annual inspection by the Department of the California Highway Patrol of every container used to transport hazardous waste on the highways. A fee for this inspection is required to be collected by the Department of the California Highway Patrol at the time of the inspection and deposited in the Motor Vehicle Account in the State Transportation Fund.

This bill would, instead, require the State Department of Health Services to collect the fee at the same time as the registration fee for the business of hauling hazardous waste is paid. The inspection fees would continue to be deposited in the Motor Vehicle Account pursuant to existing law. The bill would also define container for those purposes.

(2) Existing statutory law provides that a member of the California Highway Patrol may stop vehicles transporting specified products and inspect bills of lading and other papers to determine whether the driver is in legal possession of the load.

This bill would add crude oil and petroleum products to those specified products.

(3) Existing law defines certain materials as explosives, including nitrocarbonitrates (oxidizing material) when transported in a combined load with any explosive. This bill would delete nitrocarbonitrates and, instead, include ammonium nitrate-fuel oil mixture (blasting agent) when transported in a combined load with any explosive within the definition.

(4) Existing law, until January 1, 1984, authorizes the Department of the California Highway Patrol to adopt regulations restricting or prohibiting the movement of vehicles from maintenance facilities or terminals found in violation of the Vehicle Code and certain regulations.

This bill would, instead, until January 1, 1984, authorize those regulations restricting or prohibiting the movement of any vehicle from a maintenance facility or terminal if the vehicle is found in violation of the Vehicle Code or those certain regulations.

(5) Existing law provides for regulation of the safe operation of certain vehicles transporting hazardous materials, including regulation of filling, marking, packing, labeling, and assembly of containers, and the identification of the shipment, including placarding. The violation of those regulations is a misdemeanor.

This bill would require persons operating vehicles in the transportation of hazardous materials to carry any shipping papers required by regulation to accompany the vehicle, which papers would be required by the bill to be carried in the vehicle while en route and the bill would require them to be displayed on demand to members of the California Highway Patrol or certain police officers.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(7) The bill would take effect immediately as an urgency statute.

**Ch. 913 (SB 1183) Sieroty. Employment agency: use of computer fee.**

Existing law permits an employment agency, which as its sole means of procuring or attempting to procure employment for others uses a computer system, to charge either the prospective employer or employee a nonrefundable fee not to exceed \$20 as its sole compensation for services.

This bill would, instead, permit such an employment agency to charge a nonrefundable fee, provided the contract for such employment services includes a conspicuous

written notice of the fee to be charged which shall be printed, as specified, and stated in terms easily understood by a person of ordinary intelligence.

**Ch. 914 (SB 1005) Holmdahl. Local agency fees.**

(1) Existing law authorizes local agencies to charge fees for sewer connections, water connections, zoning variances, zoning changes, use permits, building inspections, building permits, planning services, and for the processing of maps and administering other provisions of the Subdivision Map Act.

Existing law does not expressly prescribe that such fees be limited so as not to exceed the estimated amount reasonably required to provide the services for which the fees are charged.

This bill would require that these fees be limited in such a manner unless the amount of the fee charged in excess of the estimated reasonable cost of providing the services or materials is submitted to and approved by a popular vote of  $\frac{2}{3}$  of those electors voting on the issue. It would make the limitation on these fees applicable to charter cities. This bill would require a local agency to hold a public meeting, as specified, prior to levying a new fee or service charge, or prior to approving an increase in an existing fee or service charge, and would require that the action be taken by ordinance or resolution.

(2) Existing law authorizes certain local agencies to impose fees by local ordinance for purposes of defraying the actual or estimated costs of constructing drainage and sewer facilities. Under such existing law, if a surplus remains in a fund made up of such fees collected by a local agency, the local agency is authorized to transfer the surplus to its general fund if the surplus does not exceed 5% of the total amount expended from the fund.

This bill would require that the transferred funds be used to support the operations and maintenance of the facilities for which the fees were collected.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 915 (AB 990) W Brown. Agriculture cling peaches**

Existing law provides for various advisory boards and commissions to promote different agricultural products.

This bill would authorize the Director of Food and Agriculture to enter into an agreement with one or more organizations representing growers and manufacturers of cling peaches whereby research will be conducted to determine methods of increasing the natural fructose content in cling peaches. The state would provide 50% of the funding for this research and the other parties to the agreement would provide the remaining 50%. The bill would declare legislative intent regarding state funding.

**Ch. 916 (AB 1567) Torres. Home improvement.**

Under existing law, the provisions of the Contractors License Law apply to the sale or installation of home improvement goods, which include, among other things, goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part of real property whether or not severable therefrom.

This bill would provide that the provisions of the Contractors License Law apply to the installation of home improvement goods, rather than to the sale or installation of home improvement goods.

This bill also would require designated representations regarding goods to be provided pursuant to a home improvement contract to be set forth in writing in the contract or specifications, as specified. Failure to install the designated goods or materials would constitute a cause for disciplinary action under the Contractors License Law.

**Ch 917 (AB 496) Goggin. Employment of prisoners**

Existing law prohibits letting out the labor of prisoners by contract, sets the wage prisoners can be paid for productive work in prison at 2 cents to 35 cents per hour, and



authorizes the Director of Corrections to establish and operate community correctional centers where inmates and parolees may be placed for the purpose of employment and education.

This bill would set the compensation of prisoners for productive work in prisons at not exceeding one-half the state minimum wage, as specified, and authorize the Director of Corrections to conduct pilot demonstration industrial enterprises to provide inmate prerelease work training at community correctional centers until January 1, 1986.

#### Ch 918 (AB 633) Papan. Witnesses

Existing law permits a judge or magistrate in a preliminary examination, upon proof on oath when there is reason to believe a witness will not appear and testify unless security is required, to order the witness to enter into a written undertaking with sureties for his or her appearance.

This bill would permit a court to require a material witness, whether an adult or minor, when there is good cause to believe that the witness will not appear and testify unless security is required, to enter into a written undertaking in connection with his or her appearance in any criminal prosecution proceeding or in any wardship petition proceeding. The court would be required to commit a witness refusing to enter into the undertaking as specified.

#### Ch. 919 (AB 332) Vicencia. State property: lease

Existing law authorizes the Director of General Services to hire or lease any real or personal property for the use of any state agency.

This bill would authorize the director to, in addition to hire or lease, lease-purchase or lease with the option to purchase any real or personal property, pursuant to prescribed procedures.

The bill would prohibit the director from entering into a lease-purchase agreement or a lease with the option to purchase agreement with another entity, public or private, which involves building space, unless the agreement has been reviewed by the Legislative Analyst and notification has been given to the Joint Legislative Budget Committee.

The Budget Act of 1981 prohibits the director from entering into the above forms of agreements unless the agreements have been approved through the normal budget process.

This bill would revise this Budget Act provision to require the agreements to be reviewed by the Legislative Analyst and notification be given to the Joint Legislative Budget Committee.

#### Ch. 920 (AB 796) Vicencia. California National Guard Members' Farm and Home Purchase Act of 1978.

(1) Existing law provides for farm and home purchase benefits for specified part-time members of the California National Guard administered by the Military Department with authorization for the department to assign pursuant to agreement any function to the Department of Veterans Affairs or the California Housing Finance Agency. Existing law also provides that a home includes a condominium, as specified, for these purposes.

This bill would include within the definition of condominium for these purposes a half-duplex and a patio home, when the structure is situated on its own property line, thus making these residences eligible for purchase under these provisions.

(2) Existing law provides that no member who has previously received benefits under the Veterans' Farm and Home Purchase Act of 1943 or 1974 (the Cal-Vet Program) shall be eligible.

This bill would provide instead that no member presently receiving Cal-Vet benefits shall be eligible.

(3) Existing law requires all applications for benefits under these provisions to be filed within 25 years of discharge.

This bill would instead require applications to be filed at least 1 year prior to discharge.

(4) Existing law allows the department to grant a waiver of occupancy requirements when the purchaser enters active duty with the United States Armed Forces.

This bill would, in addition, require the department to find that the purchaser is required to move under orders beyond a reasonable commuting distance before granting an occupancy waiver.

(5) Existing law requires an initial payment of at least 3% of the selling price by the purchaser of a home selling for \$35,000 or less unless the value of the property exceeds the selling price to the department by at least that amount, and requires an initial payment of at least 5% for property costing over \$35,000 unless the value exceeds the purchase price by at least that amount.

This bill would raise these valuation requirements for purposes of these provisions from \$35,000 to \$55,000.

(6) Existing law grants a subsequent opportunity to purchase a farm or home under these provisions when the original property is sold because of condemnation, change in the purchaser's employment compelling a change in residence, health reasons, housing needs, or a substantial increase in property tax obligations, and requires that application for a new loan be made within 6 months and that the net equity from the original property be paid into the new property. It specifies that only one such property may be owned by a member or a member and spouse at any one time, but that a subsequent purchase opportunity may be granted if both the purchaser and spouse each qualify as a purchaser.

This bill would delete these provisions, providing instead that a subsequent purchase opportunity may be granted where the original property is sold prior to payment of the original purchase contract, the new purchase contract may not exceed the balance owing on the original contract, and application is made within 2 years of the sale.

(7) Existing law permits a purchaser to prepay any installments remaining unpaid.

This bill would allow the department to impose a reasonable prepayment charge in this regard.

(8) Existing law directs the California National Guard Finance Committee to establish a uniform interest rate applicable to all outstanding contracts and to periodically at least once each year make a finding as to the rate to be charged.

This bill would instead direct the committee to establish a uniform rate of interest applicable to all contracts executed pursuant to the proceeds of a particular series of bonds, rather than applicable to all outstanding contracts.

(9) Existing law allows a purchaser to request an increase or decrease in the period fixed by the department for amortization of the purchase price when there is a change in the effective rate of interest instead of an increase or decrease in the amount of the installment payments.

This bill would delete these provisions.

(10) Existing law permits the department to enter into a master life insurance agreement to provide life insurance coverage for purchasers on an equal basis for disabled and nondisabled purchasers.

This bill would revise these provisions to authorize group life or group disability insurance applicable to purchasers both with and without a military duty-related disability.

(11) Existing law specifies the maximum amount which the department may pay for a farm, home, or mobilehome for sale to a purchaser pursuant to these provisions.

This bill would provide that the department may expend not more than \$5,000 over these maximum amounts to acquire or construct a home equipped with solar energy heating devices.

(12) Existing law sets limits on the amount of revenue bonds which the department and the committee may issue for home loans, for farm loans, and for mobilehome loans, and specifies that for home loans no more than \$25,000,000 of bonds may be issued in any 12-month period.

This bill would delete the restriction as to the amount of bonds for home loans which may be issued in a 12-month period.

(13) Existing law specifies that a resolution of issuance of bonds may provide that the revenue and interest thereon shall secure the bonds.

This bill would provide that the resolution of issuance may provide that the revenues or proceeds of sale, or both, may provide security for the bonds.

(14) Existing law provides that revenues from payments on purchase contracts must include an amount equal to at least 10% over all other amounts required to be provided by these revenues.

This bill would subject the effect of this requirement to any applicable federal regulations.

(15) Existing law requires all revenues from purchase contracts to be pledged to the payment of revenue bonds, and that the revenues shall remain pledged until all bonds are fully paid or sufficient funds are legally available for payment.

This bill would delete the requirement that all such revenues shall remain so pledged until all bonds are paid or sufficient funds are legally available for payment.

(16) Existing law requires all revenue bonds issued under these provisions to be sold at not less than par value.

This bill would allow the bonds to be sold at not less than 95% of par.

(17) Existing law appropriates \$25 million to the Supplementary Bond Security Account in the National Guard Members' Farm and Home Building Fund of 1978 to secure revenue bonds issued pursuant to the California National Guard Members' Revenue Bond Act of 1978.

This bill would reappropriate this amount without regard to fiscal years.

#### Ch. 921 (AB 931) Kapiloff. Hemodialysis: reuse of dialysis filters

(1) Existing law does not provide standards for the reuse of disposable hemodialysis filters by health facilities.

This bill would require the State Department of Health Services, by July 1, 1982, to establish a specific protocol, as defined, for the reprocessing and reuse of disposable hemodialysis filters, as specified. The bill would also require the department to consult with the End Stage Network Coordinating Council on the development of the protocols. The bill would require every licensed hemodialysis clinic or hospital providing hemodialysis services to submit to the department its protocol for dialyzer reprocessing and reuse and would, in the event the facility does not submit a protocol, subject that facility to the department's established protocol. The bill would further require the protocol to be based on the most recent scientific and medical information relevant to reuse.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

#### Ch. 922 (AB 76) N. Waters. Motor vehicles: license plates: prisoner of war

Under existing law, motor vehicles are issued license plates on registration of the vehicle. Existing law also provides for the issuance of special, transferable, environmental license plates upon payment of additional fees.

This bill would permit, upon satisfactory proof of status as a former prisoner of war, as defined, upon application to the Department of Motor Vehicles, the issuance of special environmental license plates which run in a separate numerical series inscribed with the letters "POW" and 4 numbers.

#### Ch. 923 (AB 1589) Tanner. Licensing of clinical toxicologists

Existing law provides that "clinical chemists" and "clinical microbiologists," as defined by the State Department of Health Services, are licensed to engage in the work and supervision of clinical laboratory activities limited to their respective areas of specialization or to engage in the work and direction of laboratories providing services only within the area of specialization covered by their licenses.

This bill would add "clinical laboratory toxicologists" to this category of licensees and specify the qualifications and fees necessary for licensing.

#### Ch. 924 (AB 1486) Costa. Vehicles: commercial. accident liability

(1) Existing law requires the owners of vehicles having a manufacturer's gross vehicle weight rating of over 8,500 pounds used in the transportation of property other than

agricultural commodities or byproducts as specified in the conduct of a business, other than those subject to regulation by the Public Utilities Commission, to maintain the ability to respond in damages in the amounts required by the Director of Motor Vehicles, which amounts are equal to those specified by the commission as to owners and operators of for-hire vehicles subject to its jurisdiction.

This bill would extend this requirement regarding ability to respond in damages to owners of commercial vehicles having an unladen weight of over 7,000 pounds and would also require owners of commercial vehicles designed to carry 16 or more persons to provide proof of ability to respond in damages. The bill would except schoolbuses and rented vehicles used for noncommercial purposes from the commercial vehicles subject to the requirement regarding the ability to respond in damages in amounts required by the director. The bill would also limit the exemption for vehicles transporting agricultural commodities and byproducts by restricting the exemption to vehicles used by a farmer exclusively in the transportation of his livestock, implements of husbandry, and agricultural commodities or supplies to his farm and to vehicles used by a resident farmer of this state to occasionally transport, as specified, farm products in exchange for like services, farm products, or other compensation. The bill would provide that an owner of a vehicle who informs an insurer that he is excepted from the higher amount required by the director for vehicles of certain specified weights and uses shall not be deemed covered for amounts greater than specifically set forth in the policy issued even when the vehicle is subsequently used in a manner requiring it to be insured in the higher amount.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

#### Ch. 925 (AB 1205) Hart. Podiatry

Existing law specifies that an applicant for a certificate to practice podiatric medicine must complete a specified curriculum in a college or school of podiatric medicine, including, among other things, orthopedic surgery and podiatric surgery.

This bill would require, on and after January 1, 1983, each applicant for a certificate to practice podiatric medicine to show evidence that he or she has completed 1 year of postgraduate podiatric surgical training in a general acute care facility.

Existing law authorizes the Board of Medical Quality Assurance to issue a certificate to practice podiatric medicine on the basis of a certificate issued by the National Board of Podiatry Examiners if the applicant meets specified requirements, including, among other things, passing an oral examination if the certificate was issued more than 5 years before the application is filed.

This bill would authorize the issuance of a certificate by the board upon the recommendation of the Podiatry Examining Committee and would require that all applicants for a certificate based on the National Board of Podiatry Examiners' certificate must take and pass an oral examination

Existing law requires the Board of Medical Quality Assurance to issue a reciprocity certificate to practice podiatric medicine to a person who, among other things, holds a license to practice podiatric medicine in another state and has practiced podiatry for at least 4 years. Existing law also specifies that certain applicants for a reciprocity certificate must take and pass an oral and practical examination

This bill would provide that a reciprocity certificate must be issued by the board upon the recommendation of the Podiatry Examining Committee and would require each applicant for a reciprocity certificate to take and pass an oral and practical examination

Existing law specifies the subjects to be covered in the examination for an applicant for a certificate to practice podiatric medicine

This bill would revise the examination subjects by deleting the subjects of syphilis and hygiene and by adding the subjects of public health and medical ethics

**Ch 926 (AB 1782) Moorhead Professional referrals.**

Existing law affords immunity from liability for damages to members of duly appointed committees of certain professional societies with respect to acts within the scope of the functions of such committee which is formed to maintain the professional standards of the society.

Existing law also provides that there is no liability for damages against certain professional societies or its members or certain related nonprofit corporations or their agents on account of a referral made at no charge as part of a referral system, except it may be liable for a failure to disclose certain disciplinary proceedings, as specified. These latter provisions do not apply to a medical professional society.

This bill would provide that there is no liability for damages against a medical professional society or its members or agents on account of a referral made by the society as part of a public service referral system, as specified.

**Ch 927 (SB 1019) Greene. Health care coverage.**

Existing law provides that actions may be brought under specified circumstances either by a district attorney or by a private party against a spouse for child support.

This bill would provide that medical insurance shall be taken into consideration in making decisions concerning these child support actions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

**Ch 928 (SB 278) Rains Sex offenders**

Existing law provides that upon conviction of a person of any sex offense the trial judge, upon his or her own motion, or that of the prosecuting attorney, or on application by or for the defendant, may certify the person for hearing and examination to determine whether the person is a mentally disordered sex offender. After examination and recommendations by court-appointed psychologists or psychiatrists concerning the person's ability to benefit from treatment, a hearing is held and the court determines whether the person is a mentally disordered sex offender and if so whether he or she could benefit from treatment in a state hospital. If the court determines the person could benefit from treatment the court commits the person to a state hospital.

If not, the person is returned for disposition under the criminal process. Extended commitment beyond the maximum term of imprisonment which could have been imposed requires another hearing.

This bill would provide that, notwithstanding any other provisions of law, any person convicted of a sex offense against a person under the age of 14 years or of a sex offense accomplished against the will of the victim by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall not have a hearing to determine whether he or she is a mentally disordered sex offender. After imposition of sentence, the person would be delivered to the Department of Corrections. A person having no more than 2 prior felony convictions for non-sex crimes and a sentence of 3 or more years who consents to evaluation shall at the beginning of the third year be transferred to a state hospital for evaluation for treatment. If the director of the state hospital recommended such treatment, the Director of Corrections would, with the consent of the convicted person, place the person in such a program in a state hospital designated by the Director of Mental Health not to exceed the term of imprisonment. If uncooperative, unamenable to treatment, or upon his or her request, the person would be returned to prison for the remainder of his or her term. The program could not include placing the person on outpatient status except as a condition of parole. The person would be returned to the state prison if not placed in a treatment program.

Existing law prescribes procedures whereby persons who have been convicted of any

sex offense may be judicially determined to be a mentally disordered sex offender and committed to a state hospital where the court finds that such treatment would be beneficial. Procedures are also set forth for commitment beyond the maximum term, certification of recovery, and other aspects of the commitment process for mentally disordered sex offenders.

This bill would repeal the provisions relating to mentally disordered sex offender commitment procedures. The bill would also provide that the provisions of the bill shall not be construed to affect any person under commitment prior to the effective date of the bill.

The bill would further provide that the Secretary of the Health and Welfare Agency and the Secretary of the Youth and Adult Correctional Agency are required to establish a task force to develop an implementation plan for transfer of mentally ill prisoners in need of acute psychiatric care to state hospitals and to recommend future utilization of mental health and correctional facilities that may be affected by the termination of the mentally disordered sex offender program. The task force would be required to submit to the Legislature by April 1, 1982, a report containing the implementation plan and their recommendations.

#### Ch. 929 (AB 440) Lockyer. Athletics.

Existing law does not provide for the licensing and regulation of independent contractors who seek to recruit or solicit professional athletes to enter into agency contracts or professional sport services contracts. Existing law does provide for the Labor Commissioner to license and regulate talent agencies, which are defined as any person or corporation who engages in the occupation of seeking employment or engagements for artists.

This bill would require the Labor Commissioner to license and regulate the independent contractors specified above as athlete agencies pursuant to provisions substantially the same as those currently applicable to talent agencies.

This bill would also require the Labor Commissioner to set fees for athlete agencies in the amount necessary to generate sufficient revenue to cover the costs of administration and enforcement of the bill.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill provides that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 930 (AB 1217) Hart Community colleges.

Under existing law, the Board of Governors of the California Community Colleges has responsibility, except as otherwise specified, for establishing a uniform budget and accounting system for community colleges.

This bill would provide that the Board of Governors has full responsibility to define, establish, and maintain the budget and accounting structure and procedures for community colleges.

This bill would further amend or repeal existing provisions which enable community colleges to establish specified funds which do not require the board's approval.

This bill would also require the community colleges to comply with the California Community Colleges Budget and Accounting Manual

This bill would incorporate additional changes in Section 72246 of the Education Code proposed by SB 1139, to become effective if both this bill and SB 1139 are chaptered, and this bill is chaptered last

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234,

but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

**Ch. 931 (SB 397) Russell. School and community college districts.**

Under existing law, specific statutory authority exists for school districts, community college districts, and county superintendents of schools to establish a self-insurance fund for various losses, payments, and liabilities.

This bill would permit the establishment of a self-insurance fund for employee health and welfare benefits, as defined. The bill would provide that school districts and community college districts are not prohibited from providing health and welfare benefits and, in the case of specified school districts, reimbursement for certain fire losses, on a self-insured or self-funded basis or partly by means of self-insurance or self-funding and partly by means of insurance or service agreements, and are not prohibited from jointly providing for the payment of health and welfare benefits through joint exercise of powers agreements.

Existing law authorizes school districts within a city of specified population to establish a fund for self-insuring fire losses. Expenditures may be made from the fund only to reimburse the district for appraised fire losses.

This bill would, additionally, allow expenditures from the fund for the payment of claims, administrative costs, related services, and to provide for deductible insurance amounts and the purchase of excess insurance.

**Ch. 932 (SB 270) Mello. Courts.**

(1) Existing law provides for the appointment and compensation of superior court reporters in different counties, and establishes court fees for their services.

This bill would provide for the appointment and compensation of superior court reporters in Monterey County, and would specify the court fees for their services.

(2) Existing law authorizes the assignment of retired municipal court commissioners of Los Angeles or San Diego Counties to serve as municipal court commissioners.

This bill would extend such authorization to retired municipal court commissioners of Monterey County.

(3) Existing law provides for the officers and employees of the municipal court in Santa Cruz County.

This bill would require the appointment of a court commissioner for the municipal court in Santa Cruz County, and provide for the compensation of and duties to be performed by the court commissioner. The bill would also set the rate of compensation for court reporters pro tempore in Santa Cruz County.

(4) Existing law specifies the number, classification, and compensation of municipal court personnel in Monterey and Orange Counties.

This bill would revise the number, classification, and compensation of municipal court personnel in Monterey and Orange Counties.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 933 (AB 202) Papan. California Highway Patrol: increased patrol units**

Existing law provides for expenditures for the support of the Department of the California Highway Patrol upon appropriation from the Motor Vehicle Account in the State Transportation Fund by the Legislature.

This bill would require the payment of an additional \$1 registration fee for motor vehicles, except those exempted under law, from January 1, 1982, to December 31, 1985, and require the deposit of those fees in the California Highway Patrol Law Enforcement

Account in the State Transportation Fund, which account would be created by the bill, for expenditure upon appropriation by the Legislature for the purpose of increasing the uniformed field strength of the department to the extent that revenue is increased under the bill, and the bill would declare the legislative intent of the bill.

Any unencumbered amount in the account on June 1, 1986, would be transferred to the Motor Vehicle Account in the State Transportation Fund, and the California Highway Patrol Law Enforcement Account would be abolished on that date.

The bill would require the Legislature to review the fees before December 31, 1985, to determine if there is a need to continue support of the increased uniformed field strength of the department under the bill.

The fees paid under the bill would be state taxes within the meaning of Section 3 of Article XIII A of the California Constitution.

The bill would take effect immediately as an urgency statute.

**Ch 934 (SB 372) Russell. Offenses: driving under the influence**

Existing law makes it a felony to drive a motor vehicle while under the influence of intoxicating liquor or any drug, or the combined influence of intoxicating liquor and any drug and, when so driving, to do any act forbidden by law or neglect any duty imposed by law in the driving of the vehicle which act or neglect proximately causes death or bodily injury to any person other than the driver.

This bill would provide that, in proving a person neglected any duty imposed by law in the driving of a vehicle for those purposes, it is not necessary to prove that any specific section of the Vehicle Code was violated.

This bill would incorporate changes to Sections 23101 and 23106 of the Vehicle Code proposed by AB 348 to be operative if both bills are chaptered and this bill is chaptered last, but if AB 541 is chaptered and takes effect on or before January 1, 1982, its provisions would prevail over this act.

**Ch. 935 (SB 374) Russell. Vehicles: blood alcohol testing.**

Existing law provides that any person who drives a motor vehicle upon a highway or in public areas shall be deemed to have given his or her consent to a chemical test of his or her blood, breath, or urine for determining the alcoholic content of his or her blood, if lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle while under the influence of intoxicating liquor. The arrested person is required to decide which test is to be performed and the arresting officer is required to inform the person that he or she has a choice.

This bill would provide, if a person is lawfully arrested for driving under the influence of intoxicating liquor or the combined influence of intoxicating liquor and any drug and is first transported to a medical facility because of the need for medical treatment, that the person would only have the choice of those tests which are available at the facility and shall be so advised of that choice by the officer.

The bill would make other conforming changes.

The bill would incorporate changes to Section 13353 of the Vehicle Code proposed by AB 7 if both bills are chaptered and this bill is chaptered last, and would conform that section to the provisions of AB 541, if it is chaptered.

**Ch 936 (SB 494) Montoya. Freeways: vending**

(1) Existing law does not specifically prohibit any person from soliciting, displaying, selling or offering to sell, or vending or attempting to vend any merchandise or service while being wholly or partly within the boundaries of a freeway.

This bill would, with specified exceptions, make any of these acts an infraction for the first offense and a misdemeanor for second and subsequent offenses.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.



Ch. 937 (SB 319) Ellis. Motor vehicles. wrong-way drivers.

(1) Under existing law, it is unlawful to drive any vehicle upon any highway which has been divided into 2 or more roadways by means of intermittent barriers or by means of a dividing section of not less than 2 feet in width either unpaved or delineated by curbs, lines, or other markings on the roadway except to the right of the barrier or dividing section.

Under existing law, a violation of this provision is an infraction, punishable upon a first conviction by a fine not exceeding \$50, upon a second conviction within a 1-year period by a fine not exceeding \$100, and upon a third or any subsequent conviction within a 1-year period by a fine not exceeding \$250.

This bill would make it a misdemeanor, punishable upon conviction by a fine not exceeding \$500 or by imprisonment in the county jail not exceeding 6 months, or by both fine and imprisonment, to so drive a vehicle upon any freeway which has been so divided into 2 or more roadways.

(2) The bill would incorporate changes to Section 40000.13 of the Vehicle Code proposed by SB 494, to be operative only if both this bill and SB 494 are chaptered and this bill is chaptered last.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 938 (AB 284) Vasconcellos. Appropriation: state agencies Mediterranean fruit fly eradication

This bill would appropriate \$50,000,000 to the Department of Finance for allocation to state agencies for costs incurred in the eradication of the Mediterranean fruit fly from July 1, 1981, to February 28, 1982. Any of these funds not required for actual costs from July 1, 1981, to February 28, 1982, could be used to defray actual costs incurred subsequent to February 28, 1982, subject to specified review requirements.

The bill would provide that reimbursement to any county agricultural commissioner would be contingent upon his or her compliance with the terms of specified agreements relating to the eradication efforts.

The act would take effect immediately as an urgency statute.

Ch. 939 (AB 7) Hart. Driving with specified blood alcohol level.

(1) Under existing law, it is unlawful to drive a vehicle on or off the highway while under the influence of intoxicating liquor or under the combined influence of intoxicating liquor and any drug. Any person convicted of such offense is subject to prescribed punishment which includes a fine or imprisonment, or both, and suspension of the driving privilege.

Existing law also provides that any person who drives a motor vehicle upon a highway or upon other than a highway in areas which are open to the general public shall be deemed to have given his consent to a chemical test of his blood, breath, or urine for determining the alcoholic content of his blood, if lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle while under the influence. If any person refuses an arresting officer's request to submit to, or fails to complete, such test, the Department of Motor Vehicles is required to suspend his driving privilege for 6 months. Under existing law, it is unlawful for any person to drive a motor vehicle upon a highway when his driving privilege has been suspended or revoked for specified reasons, including driving while under the influence.

This bill would make it unlawful for any person having 0.10% or more, by weight, of alcohol in his blood to drive a vehicle on any highway or upon other than a highway in areas which are open to the general public, make the above existing provisions of law regarding punishment, driver's license suspension, consent to a chemical test, and driving with a suspended license, applicable to a person convicted of such an offense, and repeal the presumption established by law which provides that, if there was 0.10% or more, by weight, of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor.

The bill would also make related, conforming, and technical changes.

The bill includes a legislative finding that enactment would result in cost savings to local agencies.

(2) The bill would incorporate changes to Section 13353 of the Vehicle Code proposed by SB 374 if both bills are chaptered and this bill is chaptered last and, also, would conform the provisions of this bill to AB 541 if both or all three bills are chaptered.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 940 (AB 541) Moorhead Offenses. driving under the influence: penalties

(1) Existing law prohibits driving a vehicle when under the influence of intoxicating liquor, any drug, or a combination of intoxicating liquor and any drug. Under existing law, \$35 of each fine or forfeiture for a conviction of driving under the influence of intoxicating liquor, any drug, or a combination thereof, or for reckless driving is required to be used for criminalistics laboratory services for analysis of the content of alcohol in blood, breath, or urine or for the presence of controlled substances. Existing law provides minimum and maximum fines, imprisonment, or both for violations of this driving prohibition, varying in amount and time depending on the type of offense, the existence of a prior conviction of an offense which occurred within 5 years, and whether bodily injury or death occurred in conjunction with the offense. Existing law provides for minimum imprisonment in the county jail and minimum fines if probation is granted following conviction with a prior offense. Under existing law, the minimum fines will be reduced on July 1, 1982.

Existing law also provides for the suspension or revocation of a person's privilege to operate a motor vehicle for, among other things, driving while under the influence of intoxicating liquor or drugs or the combined influence thereof.

[Existing law also permits the impoundment of a vehicle registered to a person under 21 years of age, after conviction, when the vehicle is used by that person in the commission of an offense of driving under the influence of intoxicating liquor or any drug, or the combination thereof, not involving bodily injury or death to another person.]\*

Existing law also prohibits possession, drinking, and storage of alcoholic beverages in motor vehicles under specified circumstances.

This bill would recast and reorganize the provisions of law relating to driving under the influence to prohibit driving under the influence of an alcoholic beverage, as defined in the bill, any drug, or a combination thereof. The bill would eliminate the penalty difference dependent upon the type of prior offense, would increase the minimum fine to \$375, and require \$20 of this fine to be transferred to the Indemnity Fund in the State Treasury for the indemnification of victims of crime, as specified.

The bill would delete the general requirement for the court to suspend the privilege of any person to operate a motor vehicle for up to 6 months upon conviction of driving under the influence of an alcoholic beverage or any drug or the combined influence thereof, and would delete the general requirement to order the Department of Motor Vehicles to suspend the driving privilege for a violation of that offense not involving bodily injury or death of another person.

The bill would require the department to suspend, as ordered by the court, the privilege for 6 months for a first conviction of that violation not involving bodily injury or death. The bill would require the department to suspend that privilege for 1 year for a second conviction of that violation and to revoke it for 3 years for a third or subsequent conviction. The bill would require the department to suspend the privilege for 1 year for a first conviction of that violation involving bodily injury or death to another. The bill would require the department to revoke the privilege for 3 years for a second conviction and 5 years for a third or subsequent conviction of that violation involving bodily injury or death to another.

The bill would except from the suspension or revocation for second offenses those persons certified to treatment programs as specified.

The bill would prohibit a stay of proceedings before acquittal or conviction or a

dismissal of the proceedings because the accused participates in a driver improvement program or treatment program for habitual users of alcohol or drugs.

The bill would require, on conviction, that the court sentence the offender and not stay or suspend imposition of sentence.

[The bill would delete the authorization to impound a motor vehicle registered to a person under 21 years of age, after conviction, when the vehicle is used by that person in the commission of a misdemeanor offense of driving under the influence of intoxicating liquor or any drug, or the combination thereof.]\*

The bill would change the penalties for a conviction as follows:

(a) On a first conviction not involving bodily injury or death, the bill would require a sentence of imprisonment in the county jail for 48 hours to 6 months and a fine of \$375 to \$500. If the court grants probation, the bill would require participation and completion of a driver improvement or alcohol treatment program and either (1) a mandatory imprisonment in the county jail of at least 48 hours and a mandatory fine of at least \$375, or (2) a fine of \$375 and a restriction on driving for 90 days to permit driving only to and from, or in, the person's work. Weekend service of imprisonment would be allowed.

(b) On a second conviction not involving bodily injury or death within 5 years of a prior violation resulting in a conviction, the bill would require a sentence of imprisonment in the county jail for 90 days to 1 year and a fine of \$375 to \$1,000. If the court grants probation, the bill would require either (1) a mandatory imprisonment of at least 10 days in the county jail, a mandatory fine of at least 10 days in the county jail, a mandatory fine of at least \$375, and revocation of the driving privilege for 1 year, or (2) imprisonment for at least 2 days, a fine of at least \$375, the driving privilege restricted to permit driving only to work and for treatment, and participation for 1 year in a specified treatment program. The bill would, after conviction of second offenses involving alcohol and with a grant of probation of the second of those conditions, provide for revocation of probation or new specified terms of probation on failure in treatment, and the bill would also provide for early termination of the driving restriction.

(c) On a third conviction not involving bodily injury or death within 5 years of 2 or more prior violations resulting in convictions, the bill would require revocation of the driving privilege for 3 years by the department and a sentence of imprisonment in the county jail for 120 days to 1 year and a fine of \$375 to \$5,000. If the court grants probation, the bill would require mandatory imprisonment of at least 120 days in the county jail, a mandatory fine of at least \$375, and, if the offender has not previously successfully completed a specified treatment program, that he or she participate in that specified treatment program.

(d) On a first conviction involving bodily injury or death, the bill would require a sentence of imprisonment in the state prison, or in the county jail for 90 days to 1 year, and a fine of \$375 to \$1,000, and revocation of the driving privilege for 1 year by the department. If the court grants probation, the bill would require mandatory imprisonment of at least 5 days in the county jail and a mandatory fine of \$375.

(e) On a second conviction involving bodily injury or death within 5 years of a prior violation resulting in conviction, the bill would require a sentence of imprisonment in the state prison, or in the county jail for 90 days to 1 year, and a fine of \$375 to \$5,000. If the court grants probation, the bill would require either (1) revocation of the driving privilege for 3 years, mandatory imprisonment of at least 120 days in the county jail, and a mandatory fine of \$375, or (2) imprisonment for at least 30 days in the county jail, a fine of at least \$375, a 3-year restriction on driving only to work and for treatment, and participation for 1 year in a specified treatment program. The bill would, under the second of those conditions, provide for revocation of probation or new specified terms of probation on failure in treatment.

(f) On a third conviction involving bodily injury or death within 5 years of 2 or more prior violations resulting in convictions, the bill would require revocation of the driving privilege for 5 years by the department and a sentence of imprisonment in the state prison for 2, 3, or 4 years and a fine of \$1,000 to \$5,000. If the court grants probation, the bill would require imprisonment of at least 1 year in the county jail, a fine of at least \$375, restitution or reparation as specified, and, if the offender has not previously successfully completed a specified treatment program, that he or she participate in that specified treatment program.

The bill would prohibit a court from striking any prior conviction for the purpose of

avoiding the minimum time of imprisonment and fines provided, and would require a court: to obtain specified records relating to prior convictions The bill would require the court: to notify each court where a prior conviction occurred

The bill would require, in any case where probation is granted, that the probationary term be 3 years and the bill would specify the marking and notice requirements for restricted licenses authorized under the bill. The bill would require, upon finding of a violation of probation, that the court revoke suspension of sentence and revoke or terminate probation, except as specified.

The bill would also reorganize certain other provisions of existing law restricting alcoholic beverages in vehicles

(2) Under existing law, there is a State Advisory Board on Alcohol-Related Problems, but no First Offender Program Task Force

This bill would create the First Offender Program Task Force with 10 members appointed by the Governor, as specified Under the bill, that task force would be required, on or before April 30, 1982, to determine and report to the Legislature the statewide advisory guidelines for first offender programs and define first offender for such purposes. Under the bill, the task force would serve without compensation or reimbursement of expenses, and the State Department of Alcohol and Drug Programs would be required to provide necessary staff services. The bill would repeal the provisions relating to the First Offender Program Task Force on January 1, 1983

(3) Under existing law, a pilot project conducted by Systems Technology, Inc. until January 1, 1983, under federal contract to test the Drunk Driver Warning System is excepted from certain provisions of law affected by this bill.

This bill would expressly declare that the provisions of law relating to that pilot project are not superseded, terminated, or otherwise affected by this bill.

(4) Existing law prohibits a person from driving a motor vehicle on the highway when that person's driving privilege is suspended or revoked for, among other things, driving under the influence of intoxicating liquor or any drug, or the combined influence thereof, with knowledge of the suspension or revocation. The punishment for a violation of that prohibition is 5 days to 6 months in jail and a fine of not more than \$500, and, on a second conviction, a punishment of 10 days to 1 year in the county jail and a fine of not more than \$1,000.

This bill would recast those provisions, adding driving with a restricted license except in compliance with the restriction to the prohibition The bill would, if the court grants probation upon a violation of those provisions, require a mandatory imprisonment of at least 10 days in the county jail upon a first offense and at least 30 days for a second or subsequent offense within 5 years of a prior offense

(5) The bill would incorporate additional changes in Sections 23101 and 23102 of the Vehicle Code and related provisions of law proposed by AB 7, AB 348, and AB 571, or any of them, and this bill, to be effective if this bill and any or all of AB 7, AB 348, and AB 571 are chaptered, whether this bill is chaptered before or after any or all of those bills.

[The bill would also, if AB 348 is chaptered and this bill is chaptered last, enhance the penalties for a misdemeanor or felony offense of driving under the influence if there is a combination of one or more prior convictions of driving under the influence or of specified reckless driving offenses ]\*

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch 941 (AB 348) Levine Driving offenses

(1) Existing law requires a court which strikes a prior conviction of specified driving offenses in a case of a subsequent offense to specify the reason or reasons for striking the prior conviction

This bill would require a court to state on the record the reasons whenever it dismisses an allegation of a violation of the offense of driving a vehicle upon a highway while under

the influence of intoxicating liquor or any drug, or the combined influence of intoxicating liquor and any drug, where death or injury is not proximately caused, whenever it dismisses or strikes a prior conviction, or whenever it substitutes the allegation of a different or lesser offense. The court would further be required to state whether the prosecution requested the dismissal, substitution, or striking, and whether the prosecution concurred in or opposed the dismissal, substitution, or striking. If the prosecution makes a motion for the dismissal, substitution, or striking, the prosecution would be required to submit a written statement of the reasons for the motion, as specified in the bill, and the statement would become part of the court record.

(2) Existing law also provides that any person convicted of the offense of driving under the influence of intoxicating liquor or any drug, or the combined influence thereof, who is convicted of a second offense within 5 years of the prior conviction and who is granted probation shall be punished by confinement in jail and by a fine of specified minimum and maximum duration and amount.

This bill would revise these provisions to require that the specified confinement and fine also apply when there was within 5 years a prior conviction of another offense of driving under the influence of alcohol, drugs, or the combination, or a conviction which occurred after January 1, 1982, of a reckless driving offense on a plea of guilty or nolo contendere in satisfaction or substitution for an offense which was originally charged as an offense of driving under the influence of alcohol, drugs, or the combination thereof, if the court accepts the plea and if the prosecutor states on the record of the prior reckless driving conviction that there had been consumption of intoxicating liquor or ingestion or administration of a drug in connection with the offense. The bill would require the court to notify the Department of Motor Vehicles of each such conviction.

(3) Existing law authorizes the impounding from 1 to 30 days of a vehicle registered to a minor at the minor's expense if it is driven by the minor in violation of the prohibition against driving under the influence of intoxicating liquor, or drugs, or a combination thereof, not resulting in bodily injury or death to other than the driver.

This bill would authorize the impounding for 1 to 30 days of any vehicle which is used in a violation of the prohibition against driving while under the influence of intoxicating liquor or any drug, or a combination thereof, not resulting in bodily injury or death to other than the driver, and which is registered to the violator, at the violator's expense, upon a conviction of that offense.

(4) The bill would conform the provisions of this bill to, and incorporate them into, the provisions of AB 541, which contains substantially similar provisions to SB 372, to become effective if this bill and AB 541 are both chaptered, and this bill is chaptered last.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch 942 (AB 1382) Vasconcellos. Schools programs for migrant children

Under existing law, a state master plan for services to migrant children has been adopted, under which instructional activities, health and welfare services, supportive services, and child development activities, as specified, have been designed in order to meet the special needs of the children of migrant and seasonal agricultural workers and fishermen. Existing law authorizes the Superintendent of Public Instruction to contract with county superintendents of schools or local educational agencies to supply services to migrant children residing within specified geographical regions and to cooperate with other state or federal agencies in providing or coordinating services to migrant children.

(1) This bill would require that various classifications of migratory children, as defined, be served in accordance with designated priorities.

(2) This bill would specify that migrant education programs include designated programs and services and would authorize school districts and other education agencies to apply for funding to serve migrant pupils in accordance with specified statutory provisions.

(3) This bill would require the superintendent, in implementing the state master plan, to establish the service regional system as the preferred method for the delivery of services to migrant children as set forth in a service agreement between the various parties involved in the delivery of services. This bill would specify that the service agreement is a legally binding contract. This bill would require that the superintendent review and approve plans for the establishment of service regions in accordance with specified criteria and would require the superintendent to develop an annual operating calendar for regions and directly funded districts. This bill would require that the superintendent exclude the migrant program from the consolidated application process, but would authorize directly funded districts to apply for migrant education funds through the consolidated application beginning in the 1983-84 school year.

(4) This bill would require the State Department of Education to commission an independent report describing the degree to which districts have succeeded in coordinating migrant education services with related educational and health programs serving migrant pupils

(5) This bill would authorize the State Department of Education to fund directly local educational agencies, in whole or in part, to provide services to eligible migrant children, as specified

(6) This bill would require the superintendent to take the steps necessary to assure effective parental involvement throughout the state migrant education program, as specified, including the requirement that parent advisory councils be established and consulted by the operating agencies and at the state level in a specified manner. This bill would specify that the training programs shall be funded, to the extent that funds are available, from federal funds allocated to the state, based upon the educational and related health needs of migratory children, as defined, and would allow authorized additional support from state funds.

(7) This bill would require the Superintendent of Public Instruction to sponsor an annual State Parent Advisory Council Conference. This bill would require the preparation and submission of a report to the Legislature, the State Board of Education, the Superintendent of Public Instruction, and the Governor within 60 days of the conclusion of the conference regarding the status of migrant education programs.

(8) This bill would require each operating agency receiving specified migrant education funding to conduct summer school programs for eligible migrant children in kindergarten and grades 1 to 12, inclusive, in accordance with specified criteria. This bill would specify that the summer school programs shall be funded, to the extent that funds are available, by federal funds earmarked for migrant education programs. This bill would require each school district, county office of education, and community college district to make facilities available upon request for the operation of migrant summer school programs, and would require the superintendent to reduce the district's or county superintendent's entitlement from Section A of the State School Fund by specified amounts if he or she determines that the requests from prospective users of these facilities were denied without just cause.

(9) This bill would specify the responsibilities of migrant education.

(10) This bill would also require that, by July 1, 1982, the State Department of Education shall recommend to the Joint Legislative Budget Committee and to the education policy committees of the two houses of the Legislature the formula or formulas by which the provision of all services to migratory children shall be funded equitably.

(11) With the exception of two provisions, this bill would become operative July 1, 1982.

(12) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 943 (AB 1061) Floyd Community colleges. credential fees.

(1) Under existing law, the Board of Governors of the California Community Colleges are required to levy fees for the issuance and renewal of teaching and related creden-

tials. Chapter 1374 of the Statutes of 1980 provides that these fees are limited to a maximum amount of \$30 until January 1, 1982 and a maximum amount of \$20 on and after January 1, 1982. The revenues produced pursuant to these provisions are deposited in the Community College Credentials Fund which is a continuously appropriated fund.

This bill would, instead, provide that the fees would be limited to a maximum amount of \$30 until July 1, 1985 and thereafter would be limited to a maximum amount of \$25

(2) Existing law authorizes the Board of Governors of the California Community Colleges to secure information relative to the identification or fitness of applicants for teaching credentials or the renewal of teaching credentials, and requires the board to deny the application of an applicant for a credential or to suspend or revoke a credential under specified conditions

This bill would authorize the Board of Governors of the California Community Colleges to issue a certificate of eligibility for any of the credentials which it is authorized to issue and would state the intent of the Legislature that the certificate of eligibility may be issued to an applicant for a community college credential without requiring the conducting of an investigation of past criminal activity until such time as the person is employed by a community college district.

This bill would specify that a certificate of eligibility shall be deemed to be a credential and may only be issued if the applicant has satisfied the educational and occupational requirements for the credential and has met the requirements of Section 87214 of the Education Code. This bill would authorize the holder of a certificate of eligibility to perform the services authorized by the credential and designated on the certificate for a period of not more than 120 days from the date the holder is first employed by a community college district. This bill would require the board of governors to grant or deny a credential to the holder of a certificate of eligibility within 120 days of the date the holder is first employed by a community college district. This bill would authorize the board of governors to adopt regulations for the effective implementation of these provisions.

#### Ch 944 (SB 1265) Johnson Counties' electric power

Existing law does not, generally, authorize a county to construct, acquire, develop, operate, and maintain works for the generation of hydroelectric power and transmission lines for the conveyance thereof

This bill would authorize the board of supervisors of a county to do so under specified conditions and would restrict the sale of the hydroelectric power generated to public utilities or public agencies.

The bill would take effect immediately as an urgency statute

#### Ch 945 (AB 1405) Baker. Firearms

Under existing law, filing an application for a license to carry a concealed firearm, knowing that it contains false statements, is a misdemeanor

This bill would, with respect to an application for a license to carry a concealed weapon, make it a felony to make a false statement regarding specified matters.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

#### Ch 946 (AB 1499) Vicencia Fees.

Under the existing Check Sellers and Cashers Law, the California Credit Union Law, the Escrow Law, the Industrial Loan Law, and the Personal Property Brokers Law, the actual cost of any examination, inspection, investigation or services performed for a licensee or other person pursuant to these laws, is payable by the licensee or person to the Commissioner of Corporations

This bill would eliminate references to the actual cost involved in performing an examination, inspection, investigation, or services pursuant to these laws for the purpose of assessment by the commissioner, and would instead provide that, in determining

these costs the commissioner may use the estimated average hourly cost for all persons performing the inspections, examinations, investigations, or services for licensees and other persons for the fiscal year.

The bill would also further amend Section 24608 of the Financial Code as added by SB 140 of the 1981-82 Regular Session, relating to the cost of examination of a consumer finance lender. This provision would be contingent upon the enactment of SB 140.

Ch. 947 (AB 357) Floyd. Taxation.

Existing law provides that any person who fails to pay certain taxes to the state within the time required shall pay a specified penalty. It authorizes the State Board of Equalization, with respect to the sales and use tax, to relieve the person of this penalty under specified circumstances relating to natural disasters.

This bill would permit the State Board of Equalization, with respect to the sales and use tax and other taxes administered by the board, to relieve a taxpayer of the penalty under specified circumstances relating to disasters.

Under existing law, before a license is granted to a motor vehicle fuel distributor, the filing of a prescribed bond is required. It requires the bond to be a minimum of \$1,000 or 3 times the estimated average monthly tax liability of the distributor but not in excess of \$500,000.

This bill would also require a broker to file a prescribed bond, would eliminate the \$1,000 minimum amount, and, instead, would allow the State Board of Equalization to fix the total amount of the bond not in excess of \$500,000.

Under existing law, any person who has paid a license tax for motor vehicle fuel and exports the motor vehicle fuel for use outside this state is allowed to claim a refund for the amount of the tax.

This bill would allow a licensed distributor, in lieu of claiming the refund, to be given credit on his or her tax return.

Under the Motor Vehicle Fuel License Tax Law, a tax of \$0.07 per gallon is imposed upon distributors of motor vehicle fuel, as defined, for the privilege of distributing motor vehicle fuel.

This bill would include within that definition of "motor vehicle fuel" blends of gasoline and alcohol containing more than 10% gasoline, and specifically would exclude from that definition ethanol and methanol [if Senate Bill No. 654 is not chaptered. If Senate Bill No. 654 is chaptered, it would include within the definition of "motor vehicle fuel" blends of gasoline and alcohol containing more than 15% gasoline, and specifically would exclude from that definition ethanol and methanol.]\*

Under existing law, a surcharge is imposed on intrastate telephone services to finance the state's emergency telephone system.

This bill would require the service supplier to provide the State Board of Equalization with amounts uncollected only when those amounts total \$3 or more on a cumulative basis with respect to a single service user.

Existing law provides for the special assessment of timberlands for purposes of property taxation and imposes a yield tax on timber.

This bill would provide that a specific adjustment to the yield tax rates shall not be made for the years 1979, 1980, or 1981. It also would make various supplemental and technical changes to the Timber Yield Tax Law.

Ch. 948 (SB 287) Davis. Controlled substances. phencyclidine.

(1) Existing law includes any material, compound, mixture, or preparation which contains any quantity of phencyclidine having a potential for abuse in Schedule II of the California Uniform Controlled Substance Act but does not include analogs of phencyclidine.

This bill would include analogs of phencyclidine, as prescribed, in Schedule II of this act. The bill would authorize the Attorney General to add additional analogs of phencyclidine by rule or regulation. The bill would further require the Attorney General to submit in the year of the regular session in which the rule or regulation was adopted a draft of a proposed bill to each house of the Legislature which would incorporate the analogs into the Health and Safety Code. The rules and regulations would remain in effect only until January 1st after the calendar year of the regular session in which the proposed bill was submitted or until January 1st of the following calendar year, as



specified.

(2) Existing law makes any person who uses or is under the influence of certain controlled substances which have not been dispensed, prescribed, or administered by a person licensed by the state to do so guilty of a misdemeanor. Existing law does not make use or being under the influence of phencyclidine or its analog a misdemeanor.

This bill would make any person who uses or is under the influence of phencyclidine or its analog guilty of a misdemeanor, as prescribed.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch 949 (SB 244) Carpenter. Health dental programs.

Existing law requires the State Department of Health Services to review all community dental disease prevention programs and approve those programs which meet certain prescribed minimum standards. Existing law directs the department to reimburse local health departments with approved programs at an amount of \$3 per participating child per year for expenses incurred for administration and services.

This bill would increase the reimbursement amount to \$4.50 in fiscal year 1981-82 for administration and services. The bill would further provide that the total local assistance allocation for that fiscal year would not exceed \$1.5 million provided by the 1981 Budget Act and would provide that subsequent reimbursements would be determined through the annual budgetary process. The bill would also declare that it is the intent of the Legislature that priority for funding be given to existing local programs already approved and that the remaining available money be allocated to areas of the greatest identified need as determined by the department, in cooperation with the Department of Education.

#### Ch 950 (SB 654) Boatwright. Taxation. motor vehicle fuels

Under the Motor Vehicle Fuel License Tax Law, a tax of \$0.07 per gallon is imposed upon distributors of motor vehicle fuel for the privilege of distributing motor vehicle fuel.

This bill would, until January 1, 1989, make the rate  $\frac{1}{2}$  of that rate per gallon for the privilege of distributing motor vehicle alcohol fuel, as defined [only if Assembly Bill No. 357 is not chaptered]\*. It would make a similar rate change for ethanol or methanol under the Use Fuel Tax Law, if Assembly Bill No. 357 is chaptered.

This bill would also delete specified obsolete provisions which imposed, for a prescribed period, a tax of \$0.08 per gallon on motor vehicle fuel.

This bill would take effect immediately as a tax levy.

#### Ch 951 (SB 152) Watson. Sales and use tax redevelopment agencies.

The existing Bradley-Burns Uniform Local Sales and Use Tax Law authorizes a county to adopt a sales and use tax and provides that the county sales and use tax ordinance shall contain specified provisions, including a provision that any person subject to the county tax shall be entitled to credit against the payment of such taxes the amount of sales and use tax due to any city in the county. The city sales and use tax ordinance must also contain specified provisions.

This bill would provide that a city sales and use tax ordinance may provide that any person subject to a city sales and use tax shall be entitled to credit against the payment of the city sales and use tax the amount of sales and use tax due to a redevelopment agency of the city. It would authorize certain redevelopment agencies to impose a sales and use tax on the sale or use of tangible personal property in the redevelopment project area, as specified, at a rate of 1% or less, and would, with specified exceptions, require such agency to use 20% of the revenues to promote the supply of housing for low- and moderate-income families. It would also provide that where such taxes are pledged for the payment of principal and interest on bonds of a redevelopment agency, it shall constitute a contractual obligation between the redevelopment agency and the holder.

of such bonds, and the law authorizing the imposition of such taxes may not be repealed during the time such bonds remain outstanding.

The existing Community Redevelopment Law authorizes a redevelopment agency to issue bonds, including bonds on which the principal and interest are payable from specified sources.

This bill would authorize a redevelopment agency to issue bonds on which principal and interest are payable from sales and use taxes imposed by the redevelopment agency.

Ch 952 (AB 1862) Baker Air pollution emissions: cogeneration technology projects.

(1) Existing law requires the State Air Resources Board to prepare revisions to the state implementation plan not later than January 1, 1981, to provide for the necessary mitigation of air quality impact of identified potential cogeneration technology and potential resource recovery projects

This bill would delete this requirement and, instead, require the air pollution control districts to provide, not later than July 1, 1982, for, and to periodically revise as appropriate, the necessary mitigation of the air quality impact of projects smaller than 50 megawatts, which meet designated conditions.

(2) Under existing law, air pollution control districts or air quality management districts are required to issue permits for construction of a cogeneration technology project if specified conditions are met.

This bill would instead require a district to issue permits for the construction and operation of a cogeneration technology project if the project utilizes, for each affected pollutant only, the appropriate degree of pollution control technology to the extent required by the rules of the districts. This bill would require a district to consider the incremental emissions benefit derived from the electrical generating portion of a cogeneration technology project in comparison to the emissions produced by an existing combustion based electric hydrocarbon generation system in the absence of the cogeneration technology project. The bill would require the districts and the state board, in cooperation, to develop a procedure by May 1, 1982, for determining the availability and magnitude of the offsets from incremental emissions benefits and would require the cogeneration project proponent and the substitute combustion based system owner or operator to provide information for the determination.

(3) Existing provisions of the Warren-Alquist State Energy Resources Conservation and Development Act and the provisions governing utilities in the state define the term "cogeneration technology" for purposes of the act and those provisions.

The bill would instead define the term "cogeneration", with substantive changes, for such purposes.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 953 (AB 1835) W Brown. Pilots San Francisco Bay.

(1) Under existing law, pilots licensed by the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun have exclusive authority to pilot vessels between the high seas and the Bays of San Francisco, San Pablo, and Suisun.

This bill would permit the pilots to appoint one of their members as port agent to carry out the orders of the board and administer the affairs of the pilots.

(2) Under existing law, the board is required to appoint and license not less than 24, nor more than 30, pilots.

This bill would increase the maximum number of pilots which may be so licensed to 40, and would require hearings for the purpose of appointing pilots to be conducted in accordance with specified provisions requiring meetings of a state agency to be open and public.

(3) Under existing law, there is established a San Francisco Bar Pilot pension plan which provides pension benefits for retired or disabled pilots and widows of deceased

pilots.

This bill would require a widow, in order to be eligible for pension benefits, to have been legally married for at least one year to the deceased pilot prior to his death and would make a widow ineligible to receive benefits if she remarries. These provisions would not apply to any widow receiving pension benefits on the effective date of the bill.

The bill would also define "disabled" for purposes of the pension plan, and would require the number of persons eligible to receive pension benefits under the plan to be determined semiannually, rather than once a year

(4) Under existing law, the public member of the pilotage rate committee receives a per diem of \$50 per day

This bill would increase that amount to \$300 per day.

#### Ch 954 (AB 1460) Young Abandoned railroad lines

Existing law requires the Department of Transportation to acquire specified segments of abandoned railroad rights-of-way for public transportation uses to the extent that sufficient funds are available in the Abandoned Railroad Account in the State Transportation Fund

This bill would delete the abandoned Baldwin Park Branch in Los Angeles County from the list of properties to be acquired.

The bill would direct the department to expend funds from the Abandoned Railroad Account ~~equal to the amount which would have been sufficient to acquire the Baldwin Park Branch~~\* for the purchase of abandoned railroad rights-of-way, with the Wilmington Branch in the County of Los Angeles being the first priority, not to exceed the amount which would have been sufficient to acquire the Baldwin Park Branch The allocation for the purchase of the Wilmington Branch would be required to include an amount necessary to provide staff support for specified purposes

#### Ch. 955 (AB 794) Robinson Courts of Appeal: Fourth Appellate District

Under existing law, the Fourth Appellate District of the Court of Appeals consists of 2 divisions having 5 judges each, one of which holds its regular sessions at San Diego and the other at San Bernardino

This bill would increase the numbers of judges sitting in San Diego from 5 to 6, reduce the number of judges sitting in San Bernardino from 5 to 4, and add a third division to the Fourth Appellate District, which would have 4 judges and hold its regular sessions in Orange County The bill would also declare the intent of the Legislature with regard to funding for the library equipment, support staff, and judges for the division holding sessions in Orange County

#### Ch 956 (SB 42) Carpenter. Campaign funds

Under existing law, no provision is made for regulating the use of campaign funds

This bill would prohibit the personal use of campaign funds, including funds of political action committees This bill would also restrict the disposition of surplus campaign funds under the control of a former candidate or officeholder or his or her controlled committee

This bill would provide civil remedies for the violation of the aforementioned provisions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

#### Ch 957 (SB 160) Dills Small claims court

Under existing law, small claims courts have a monetary jurisdiction of \$750 with the exception of specified courts participating in the small claims court monetary jurisdic-

tion experiment, which have a monetary jurisdiction of \$1,500

This bill would raise the monetary jurisdiction in all small claims courts to \$1,500

Ch 958 (SB 180) Marks. Small claims court.

Existing law provides that small claims courts shall have jurisdiction in actions where the claimed amount does not exceed \$750.

This bill would increase that amount to \$1,500.

Existing law authorizes small claims courts to schedule sessions at any time and on any day, including Saturdays, but excluding holidays.

This bill would provide, in addition, that each small claims division of a municipal court with 4 or more judicial officers, conduct at least 1 night session or Saturday session per month, as specified.

Under existing law, in small claims courts the fee for filing a claim is \$2.

This bill would increase the filing fee to an amount of \$6 or \$12, depending upon the number of claims filed by the plaintiff, and would provide for the waiver of filing fees and fees for service of plaintiff's claim for indigent plaintiffs.

Existing law authorizes each small claims court to provide by local rule for the establishment of small claims legal advisors

This bill would instead require counties to make available individual assistance to small claims court litigants and potential litigants, as specified, and would exempt a public entity, its employees, and volunteers from liability because of any advice so provided

Existing law does not authorize small claims courts to use law clerks for legal research or factual investigation.

This bill would authorize any small claims court to use law clerks to assist in legal research, according to rules to be adopted by the Judicial Council

This bill would establish the findings and declarations of the Legislature with respect to small claims courts.

This bill also would provide that when an action is filed against a principal and his or her guarantor or surety pursuant to a guaranty or suretyship agreement, a reasonable attempt shall be made to complete service on the principal. If service is not completed, the action shall be transferred to the court of appropriate jurisdiction.

Under existing law, Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement. The statutory provisions requiring reimbursement have been supplemented by a constitutional requirement of reimbursement effective for statutes enacted on or after July 1, 1980.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 959 (AB 1538) Harris. Courts of appeal

(1) Under existing law, there are 5 appellate districts; and the Counties of Santa Clara, Santa Cruz, Monterey, and San Benito are part of the First Appellate District.

This bill would establish a Sixth Appellate District consisting of the Counties of Santa Clara, Santa Cruz, Monterey, and San Benito, having one division of 3 judges.

(2) Existing law specifies the number of divisions in each district of the court of appeal, and the number of judges in each division.

This bill would add one division having 3 judges to the First Appellate District, 2 divisions having 3 judges each to the Second Appellate District, one division of 3 judges to hold its regular sessions at Santa Barbara, and 2 judges to the single, existing division of the Fifth Appellate District.

(3) Under existing law, the County of San Luis Obispo is part of the Fourth Appellate District.

This bill would transfer the County of San Luis Obispo to the Second Appellate District.

(4) Under existing law, the Fourth Appellate District of the Court of Appeals consists of 2 divisions having 5 judges each, one of which holds its regular sessions at San Diego and the other at San Bernardino

This bill would increase the number of judges sitting in San Diego from 5 to 6, reduce the number of judges sitting in San Bernardino from 5 to 4, and add a third division to the Fourth Appellate District, which would have 4 judges and hold its regular sessions in Orange County. The bill would also declare the intent of the Legislature with regard to funding for the library equipment, support staff, and judges for the division holding sessions in Orange County

Ch 960 (SB 527) Keene Boat registration licensed party vessels commercial salmon permits

(1) Under existing law, which shall become operative on January 1, 1982, a certificate of boat registration of a licensed party fishing vessel may be revoked or suspended by the Fish and Game Commission, for a period not to exceed 1 year, upon the conviction of a person who is the registrant or under the direct control of the registrant of the vessel, if that person sells any fish or amphibia taken under a sport fishing license as specified, the fish or amphibia were taken from the vessel, and that person committed a prior violation of the above-stated provisions on the vessel. However, the certificate of registration may not be revoked if the violation of those provisions is unrelated to the vessel.

This bill would require that the prior violation be committed within 3 years before the certificate of boat registration would be subject to being revoked or suspended. The bill would also provide that any violation of those provisions committed by an agent, servant, employee, or person acting under the direction or control of the registrant would invoke such revocation or suspension, but that any violation without the knowledge of the master, or an agent or employee of the registrant, is unrelated to the vessel.

(2) The provisions stated in (1) above would remain in effect only until January 1, 1985, and as of that date would be repealed, unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends that date.

(3) Existing law requires persons who desire to take salmon commercially to obtain a commercial salmon permit from the Department of Fish and Game for which the Fish and Game Commission charges a fee and creates a system for this purpose. These provisions will remain in effect only until January 1, 1982.

This bill would extend the effective date of these provisions to January 1, 1984, and would result in an increase in revenues to the Fish and Game Preservation Fund, which is a continuously appropriated fund.

The bill would also include, in addition to those persons who are presently qualified to obtain a commercial salmon permit, a natural person who purchased a commercial salmon permit valid through December 31, 1981.

Ch 961 (AB 1158) Frazee Local governments organization and reorganization

Under existing law, there is in each county a local agency formation commission having prescribed powers and duties in connection with proceedings for the incorporation and dissolution of cities and special districts and the annexation or detachment of territory to or from cities and special districts. Additionally, the law prescribes the procedure for initiating and conducting such proceedings, and prescribes the functions of other local agencies in connection with the proceedings.

(1) This bill would, among other things

(a) Permit the proposed name for a newly formed or consolidated city to contain the word "town"

(b) Specifically define the terms "landowner" and "owner of land," for purposes of notice requirements prescribed in connection with proceedings for municipal or district reorganizations. The bill would also more specifically define the term "municipal reorganization," and would more specifically define the term "reorganization" for purposes of district reorganization procedures.

(c) Specify that only 1 alternate member, rather than 2 alternate members, be appointed to a local agency formation commission when the membership of the commission is augmented by the appointment of 2 additional members to represent special

districts in the county.

(d) Make a reorganization under the District Reorganization Act of 1965 which includes the incorporation of a new city subject to prescribed provisions which require termination of proceedings for incorporation of a city if written protests have been filed and not withdrawn by 50 percent or more of the registered voters residing in the territory or which require a special election on the questions of whether such territory shall be incorporated if written protests have been filed and not withdrawn by less than 50 percent of the registered voters residing in the affected territory.

(2) This bill would incorporate additional changes in Section 54784 of the Government Code, proposed by Assembly Bill 607, to be effective only if Assembly Bill 607 and this bill are both chaptered and become effective January 1, 1982, and this bill is chaptered last.

(3) The amendments to Section 54784 of the Government Code proposed by Assembly Bill 2004 would prevail over the amendments to that section made by this bill if both bills are chaptered and become effective January 1, 1982, and this bill is chaptered last.

(4) The bill would make other conforming and technical changes

Ch 962 (AB 1185) Costa. Environmental quality: environmental impact reports.

(1) Under the California Environmental Quality Act, generally, environmental impact reports or negative declarations are required to be prepared for discretionary projects which may have a significant effect on the environment, including, but not limited to, the enactment and amendment of zoning ordinances, the issuance of conditional use permits, and the approval of tentative subdivision maps proposed to be carried out or approved by public agencies.

This bill would provide that, if a parcel has been zoned, or has been designated in a community plan, as defined, to accommodate a particular density of residential development and an environmental impact report was certified for that zoning or planning, the application of the act to any subdivision map or other project that is consistent with the zoning or community plan shall be limited to effects upon the environment which are peculiar to the parcel or project and which were not addressed as significant effects in the prior environmental impact report, and would require all public agencies with authority to mitigate the significant effects to undertake or require the undertaking of any feasible mitigation measure specified in the prior environmental impact report relevant to a significant effect which the project will have on the environment. The bill would also provide that an effect upon the environment shall not be considered peculiar to the parcel or project if uniformly applied development policies or standards have been previously adopted by the city or county to mitigate that environmental effect when applied to future projects.

(2) Under the act, limitations are established with respect to the time within which any action or proceeding is required to be commenced to attack, review, set aside, void, or annul various acts or decisions of a public agency on the grounds of noncompliance with the act, but there are no provisions in the act specifically limiting persons who may have standing to bring those actions or proceedings.

This bill would provide that no person shall have standing to bring an action to attack, review, set aside, void, or annul a finding of a public agency made at a public hearing with respect to the conformity of a development project subject to the provisions in (1) above to mitigation measures identified in the prior zoning or planning action environmental impact report, unless the person participated in that hearing by submitting written or oral testimony prior to the close of the hearing. These provisions would not be applicable if the local agency failed to give public notice of the hearing.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 963 (AB 1818) Tucker Public Employees' Retirement System: generally.

(1) The Public Employees' Retirement Law presently generally provides survivor benefits to minor children only until age 18.

This bill would authorize survivor payments to disabled minor children until the disability ceases.

(2) The law presently provides survivor benefits until age 22 if a child is a full-time student

This bill would provide that those benefits continue to all children until age 22.

(3) The law presently permits certain surviving spouses to make an election between specified benefits.

This bill would provide that the surviving spouse receive the benefit which is usually the highest.

(4) The law presently authorizes members who retired with an optional settlement involving life contingency of the beneficiary and whose spouse predeceases them to name a new spouse as beneficiary

This bill would permit those retired members whose beneficiary predeceases them to also name a new beneficiary.

Ch. 964 (AB 2251) Frazee. Claims against the state.

This bill would appropriate \$1,000,000 to pay the settlement of the claims of the plaintiffs in the case entitled Frank T. Barr, et al. v State of California, et al.

This act would take effect immediately as an urgency statute.

Ch. 965 (AB 1125) M Waters State government Interagency Management Team.

Existing statutes do not provide for an interagency management team.

This bill would create the Interagency Management Team which shall conduct management assessments of state agencies, under specified conditions

This bill would remain in effect only until January 1, 1985, on which date it would be repealed

Ch. 966 (SB 210) Presley. Peace officer training: penalty assessments

(1) Existing law imposes certain penalty assessments on fines, penalties, and bail forfeitures which are deposited in the Assessment Fund in the State Treasury and then transferred to various funds each month. Until July 1, 1982, 24.17% of the Assessment Fund is transferred to the Peace Officers' Training Fund and 40.69% to the Driver Training Penalty Assessment Fund for reimbursement of the General Fund, as specified. After July 1, 1982, 24.17% is transferred to the Peace Officers' Training Fund and 50.83% is transferred to the Driver Training Penalty Assessment Fund for that reimbursement.

This bill would increase the percentage transferred to the Peace Officers' Training Fund to 30.83% until January 1, 1986, with corresponding reduction in the amount transferred to the Driver Training Penalty Assessment Fund.

(2) Existing law requires the Commission on Peace Officer Standards and Training to establish and enforce minimum standards relating to peace officer members of specified entities.

This bill would add marshals and deputy marshals of a municipal court to the specified peace officers for those purposes.

(3) The bill would make an appropriation by increasing the allocation to the Peace Officers' Training Fund, a continuously appropriated fund, and expanding the purpose for which those funds may be expended

(4) The bill also makes additional changes proposed by Senate Bill 201, to be operative only if Senate Bill 201 and this bill are both chaptered and become effective on January 1, 1982, and this bill is chaptered after Senate Bill 201

The bill also makes additional changes in Section 1464 of the Penal Code proposed by Assembly Bill 1297, to be operative only if Assembly Bill 1297 and this bill are both chaptered and become effective on January 1, 1982, and this bill is chaptered after Assembly Bill 1297

Ch 967 (SB 964) O'Keefe Criminal records summary criminal history information

Existing law requires that the Department of Justice maintain summary criminal history information and requires or authorizes the department to furnish this information to designated agencies, officers, or officials of state or local government, public

utilities, or any entity when needed in the course of their duties in specified circumstances. Criminal history information includes information pertaining to the identification and criminal history of any person, such as the name, date of birth, physical description, date of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data.

This bill would authorize the Department of Justice to furnish this information to any campus of the California State University and Colleges, the University of California, or any 4-year college or university which has been accredited in a specified manner, when needed in conjunction with an application for admission by a convicted felon to any special education program, as specified. This bill would specify that only conviction information shall be furnished and would authorize the fingerprinting of the convicted felon. This bill would specify that any inquiry to the department under these provisions shall include the convicted felon's fingerprints and any other information specified by the department.

#### Ch 968 (SB 879) Keene Public agencies.

Existing law provides for the California Public Records Act, which allows the public to inspect public records, as specified.

This bill would allow state and local governmental agencies to adopt requirements for themselves which allow greater access to records than prescribed by the minimum standards in the act, except as otherwise prohibited by law. In addition, this bill would provide that if any state or local agency, as defined, discloses an otherwise exempt public record to any member of the public, as defined, this disclosure would constitute a waiver of the exemptions, as specified, with specified exceptions. This bill would require any agency, upon any request for a copy of records, to determine within 10 days after receipt of the request, except in unusual circumstances, as defined, whether to comply and would require the agency to immediately notify the requester of such determination and the reasons therefor.

Existing law requires both state and local agencies to hold all meetings, except as specified, in public.

This bill would change the reference to "state agencies" to "state bodies" in that law and would define "state body".

Existing law prohibits state and local agencies from requiring members of the public, as a condition to attending the meeting, from registering their name or other information, completing questionnaires, or otherwise fulfilling any other conditions prior to attending the meeting.

This bill would provide that if these or other similar documents are posted at or near the entrance to the room where the meeting is to be held, or are circulated throughout the room during the meeting that the document state clearly that the signing, registering, or completion of the document is voluntary and not required for attendance at the meeting.

Existing law requires state agencies to provide agendas and notices one week in advance of the meeting to any person who requests them in writing.

This bill would provide that the notice requirement shall not preclude the acceptance of testimony at meetings, provided no action is taken at the same meeting on matters brought by members of the public. It would also require the state body to provide notice for all or any specific meeting to any person requesting that notice.

Existing law allows state agencies to conduct emergency meetings.

This bill would provide that state bodies conducting emergency meetings in case of an emergency situation, as defined, need not comply with the 10-day notice requirement, but shall provide a one-hour notice by telephone prior to the meeting to the news media which have requested a one-week written notice. If telephone services are not functioning it would require notice to the news media, as specified, as soon after the meeting as possible. This bill would also require the state body to post the minutes of the meeting, a list of persons the presiding officer of the state body attempted to notify regarding the meeting, copies of the rollcall vote, and any action taken at the meeting, for a minimum of 10 days in a public place, as soon after the meeting as possible. It would also permit specified state bodies to conduct closed sessions of their meetings for various purposes, as specified.

Existing law provides that the elected legislative body of a local agency may require



that each legislative body, all of whose members are appointed by or under the authority of the elected legislative body, keep a minute book during closed sessions.

This bill would permit the legislative body to require the keeping of a minute book for closed sessions where all or a majority of the members of the body are so appointed.

Existing law requires that the state agency and the legislative body of a local agency state the general reason for holding a closed session prior to or, in the case of the latter, after, the holding of the meeting, and cite the statutory or other legal authority under which the session is being held.

This bill would require the citation by the state body of the specific section and subdivision of the law under which the closed session is being held and would authorize the citation thereof by the legislative body of the local agency.

Under existing law, there is appropriated to counties 15% of the amount of child support payments collected after July 1, 1981, from noncustodial parents by the counties, which is used to reduce or repay AFDC grants paid to children. This amount is reimbursable by federal funds.

Existing law also provides that in the event federal law requires any federal incentive funds to be paid out of a combination of federal and state funds, the payment shall be the sum of the amount or percentage reimbursable by the federal incentive funds plus the difference between the total amount required and the amount reimbursable by federal incentive funds.

This bill would increase the state incentive payment to 22½% of such amounts collected after October 1, 1981, thereby making an appropriation, and would delete the aforementioned provisions relating to federal incentive funds.

The bill would provide that the provisions relating to the child support enforcement program shall be applied retroactively to October 1, 1981.

This bill would also make additional changes in Section 6252 of the Government Code as proposed by AB 729, to be effective only if AB 729 and this bill are both chaptered and become effective on or before January 1, 1982, and this bill is chaptered last, and, in which event, to be operative on the effective date of AB 729.

#### Ch 969 (AB 1915) Agnos. Costs of suit

Under existing law, a court may award attorneys' fees to a successful party in any action which has resulted in the enforcement of an important right affecting the public interest, under designated circumstances, except that public entities may not be awarded attorneys' fees in such actions. Existing law generally provides for an award of court costs to the prevailing party or the party in whose favor a judgment is issued.

This bill, as to civil actions, or appeals thereof, brought against a public entity which has issued planning, subdivision, or other approvals for a housing development, to enjoin the carrying out or approval of a housing development, or to secure an extraordinary writ relative to the approval of, or a decision to carry out, that housing development, would authorize a court to award all reasonably incurred costs of suit, including attorney's fees, to the prevailing public entity under designated circumstances.

#### Ch. 970 (AB 1914) Agnos. Injunctions undertakings

Existing law provides that in all actions in which the court has granted an injunction sought by any plaintiff, other than specified governmental agencies, to enjoin a "construction project" which has received all legally required licenses and permits, the defendant may apply to the court by noticed motion for an order requiring the plaintiff to furnish a written undertaking as security for costs and damages that may be incurred by the defendant. The term "construction project" is defined to include the construction, surveying, design, specifications, alteration, repair, improvement, maintenance, removal, or demolition of any building, highway, road, parking facility, bridge, railroad, airport, pier or dock, excavation or other structure, development or other improvement to real or personal property.

This bill in addition would authorize a defendant, in specified circumstances, in any civil action brought by any plaintiff, except as otherwise specified, to challenge a housing project which is a development project, as defined, and which meets or exceeds specified requirements for low- or moderate-income housing, to apply to the court for an order requiring the plaintiff to furnish a written undertaking as security for costs and damages, as specified.

The bill would permit the recovery of the cost of obtaining an undertaking from the developer in specified circumstances

The bill would only apply to actions originally filed on or after January 1, 1982.

**Ch. 971 (AB 934) Kapiloff. Property tax revenues: special districts**

(1) Article XIII A of the California Constitution imposes certain limits on local property taxation. Existing statutory law provides for the allocation of property tax revenues among special districts, in accordance with specified formulas, in order to implement Article XIII A. For this purpose, existing statutory law enumerates various categories of revenue to be deducted from a special district's allocation of property tax revenue.

Existing statutory law authorizes the adoption of a ballot proposition imposing standby or availability charges, or a special tax, for police or fire protection, pursuant to specified procedures, including the affirmative vote of  $\frac{2}{3}$  of the electors residing within the affected territory. Existing law also generally authorizes the adoption of a ballot proposition for a special tax by cities, counties, and local governmental entities including the affirmative vote of  $\frac{2}{3}$  of the voters voting on the proposition.

This bill would, until January 1, 1988, authorize any district which provides fire protection and prevention services, as specified, to levy an assessment for fire protection and prevention services and provides the procedure for determining that assessment, including notice, hearing, protests, and, if holders of property interests representing greater than 5% of the expected revenues protest, an approval by a majority of the voters of the district voting on the proposition.

This bill would also prohibit the deduction of standby or availability charges for police and fire protection, assessments under the bill, special taxes so adopted by the people, or, under specified conditions, other specified revenue of the district from a special district's allocation of the property tax revenue under existing law.

This bill would incorporate additional changes in Section 98.6 of the Revenue and Taxation Code proposed by SB 1180 to become effective if both this bill and SB 1180 are chaptered and this bill is chaptered last.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

**Ch. 972 (AB 1055) Farr. Schools. special education.**

(1) Under existing law, the governing board of a school district is required to submit a local plan, as specified, for individuals with exceptional needs. It provides that each plan shall establish a community advisory committee.

This bill would require a governing board, in developing a local plan, to involve regular and special education teachers selected by their peers, and parents selected by their peers, in an active role.

This bill would provide that, where appropriate, the procedure for appointing members of the community advisory committee would provide for selection of specified representatives by their peers.

(2) Existing law provides that the above community advisory committee have the responsibility, among other things, to advise the policy and administrative entity of the district regarding the development and review of the local plan.

This bill would provide that the committee shall also give advisory opinions on any amendments to the local plan.

(3) Under existing law, the annual budget plan for special education programs must be adopted at a public hearing.

This bill would require notice of this hearing to be posted at least 15 days prior to the

hearing, as specified.

(4) Existing law provides that the average caseload for a resource specialist shall be no more than 24 pupils, and that no resource specialist shall have a caseload exceeding 28 pupils.

This bill would define "caseload" for the purposes of this provision to include, but not be limited to, all pupils for whom the resource specialist performs any of certain specified services

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234 for a specified reason, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(6) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

#### Ch 973 (SB 689) Presley Peace officers

(1) Existing law specifies that various persons are peace officers, including those persons regularly employed and paid by a county as welfare fraud or child support investigators or inspectors and arson investigators of a fire protection agency or fire department of the state

This bill would instead provide that welfare fraud investigators and inspectors regularly employed and paid as such by a county and child support investigators and inspectors regularly employed and paid as such by a district attorney's office are peace officers. The bill would specify that members of the Arson-Bomb Investigating Unit in the Office of the State Fire Marshal are peace officers. The bill would also specifically make port police peace officers.

(2) Existing law designates various vehicles used by governmental agencies as authorized emergency vehicles

This bill would additionally specify that any vehicle owned or operated by any department or agency of the United States government when actively engaged in law enforcement work is an authorized emergency vehicle

(3) The bill would incorporate additional changes in Section 165 of the Vehicle Code, made by AB 1683, to be operative only if both this bill and AB 1683 are chaptered and this bill is chaptered last

#### Ch. 974 (SB 484) Speraw. Mobilehome parks: local regulation.

(1) Existing state law relating to mobilehome parks does not preclude a city, county, or city and county from exercising its police powers to establish certain zones or types of uses and locations for mobilehome parks

This bill would prohibit a city, including a charter city, a county, or city and county, from requiring (a) that the average density of a new mobilehome park be less than that permitted by the zoning ordinance for other affordable housing forms, or (b) that a new mobilehome park include a clubhouse, and would permit a recreational facility, recreational area, accessory structure, or improvement to be required in a mobilehome park only to the extent that such requirement is imposed on other types of residential developments containing a like number of residential dwelling units. The bill would specifically permit cities and counties to regulate perimeter walls or enclosures of a mobilehome park fronting on a public street, and would delete the specific authority granted a city or county to prescribe standards of lot, yards, park area, and landscaping.

(2) In the exercise of its zoning power, a city or county may require a use permit as a condition to the use of land in the city or county for a mobilehome park

This bill would, with certain limitations, declare a mobilehome park, as defined, to be a permitted use, subject to the requirements of a use permit, on land planned and zoned for residential land use. The bill would also permit any mobilehome park completed on

or after January 1, 1982, to be constructed in a manner to allow mobilehomes sited in the park to be placed on foundation systems, and would allow mobilehomes in such park to be placed upon foundation systems

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(4) This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required

#### Ch. 975 (SB 1193) Craven. Mobilehomes and commercial coaches

(1) Existing law provides that provisions relating to mobilehomes that are substantially the same as existing statutory provisions relating to the same matter are restatements and continuations, not new enactments.

This bill would provide that during the codification without substantive change of the provisions of the Governor's Reorganization Plan No. 1 of 1980, and until July 1, 1982, the Department of Housing and Community Development would have the authority to determine or effectuate any action or statutory requirement relating to mobilehomes in a manner which implements the legislative intent and protects the appropriate interests of the parties subject to, or protected by, the provisions relating to mobilehomes.

It would require that regulations implementing such provisions and promulgated prior to July 1, 1982, be deemed emergency regulations

The bill would repeal and reenact with various substantive changes the provisions of law relating to mobilehomes and commercial coaches, including provisions regulating sales and distribution, movement under permit, occupational licensing, registration, and titling, and the penalties related thereto. The bill would remove the prohibition against accelerating loans in the absence of default for sale or encumbrance of a mobilehome or commercial coach and the requirements for reinstatement of the loan contract after default in specified circumstances. The bill also would codify, with various substantive changes, the Governor's Reorganization Plan No. 1 of 1980, insofar as the provisions of the plan have not already been included in the law or superseded by statutes which became effective after the plan, and, in that connection, the bill would make conforming statutory changes to reflect the termination of the above-described licensing and regulation in the Department of Motor Vehicles and the vesting of those duties, powers, purposes and responsibilities in the Department of Housing and Community Development. The bill would also provide for collection of fees by the Department of Housing and Community Development

The bill would make other technical conforming changes

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

(4) The bill would incorporate the additional changes in Sections 18075 5 and 18076 4 of the Health and Safety Code proposed by AB 1400 if both bills are chaptered and this

bill is chaptered last

(5) This bill would incorporate the additional changes in Sections 18007, 18010, 18025, 18026, 18027, 18028, 18028.5, 18029, 18029.5, 18030, 18030.5, 18031.5, and 18032 of the Health and Safety Code proposed by AB 531 if both bills are chaptered and this bill is chaptered last

(6) This bill would incorporate the additional changes in Sections 18035, 18035.1, 18059.5, and 18070 of the Health and Safety Code proposed by SB 1172 if both bills are chaptered and this bill is chaptered last.

Ch 976 (SB 857) Keene. Prescribed burning.

(1) Under existing law, the Director of Forestry, with the approval of the Director of General Services, is authorized to enter into a contract for prescribed burning with the owner or any other person who has legal control of any property which is included within any wildland for specified purposes. Contracts for prescribed burning are required, among other things, to provide for deposits to cover the depositor's share of actual costs and for payment by the depositor, upon completion of the contract, of the balance due if the depositor's share of actual costs is more than the amount on deposit

This bill would delete the provisions providing for payment of amounts in addition to the amount on deposit, and would provide for disbursement of funds on deposit within 15 days after completion of the contract. The bill would make related and other changes relative to prescribed burning activities. The bill would define the terms "prescribed burning" and "prescribed burning operation" to include necessary follow-up activities, such as revegetation and erosion control measures.

(2) Existing law excepts, from monetary liability for the setting of a fire, allowing a fire to be set, or the escape of a fire, cases when the prescribed burning provisions have been fully complied with and reasonable judgment is exercised and action is taken to maintain control of the fire as specified.

This bill would, instead, except from monetary liability any party to a contract under the prescribed burning provisions for any costs incurred by the Department of Forestry in suppressing any wildland fire originating or spreading from a prescribed burning operation to the extent these costs do not result from a violation of any provision of the contract.

(3) The bill would take effect immediately as an urgency statute

Ch 977 (SB 1047) Roberti Housing: elderly: pets

Existing law does not prohibit any public property owner from regulating the number of pets that elderly persons may keep in rental housing accommodations for which any financing is provided by the federal government or by any public agency.

This bill would provide that a public property owner, as defined, of any rental housing accommodation shall not prohibit any elderly person from keeping 2 or fewer pets, as defined, in the rental housing accommodations.

Ch 978 (AB 1246) M Waters Vehicles parking and traffic infractions: procedure on arrest

Under existing law, when a person is taken into custody for bail to be collected on an outstanding warrant for failure to appear on a citation for a parking offense or a traffic infraction, the person may be booked in jail, photographed, fingerprinted, and searched

This bill would prohibit a person with 4 or fewer outstanding warrants taken into custody under those circumstances from being booked, photographed, or fingerprinted, or an arrest record from being made, when the amount of bail required to be paid on such warrant may be ascertained on the face of the warrant or a bail schedule, unless the person is first given the opportunity to post bail or to arrange to post bail, as specified

The provisions would be repealed on January 1, 1984, unless a later enacted statute extends or deletes that date

Ch 979 (AB 2129) McAlister Insurers: exemption from usury law

Under existing law, admitted incorporated insurers are not exempt from the interest rate limitations of Article XV of the State Constitution

This bill would exempt admitted incorporated insurers from the interest rate limitations of Article XV of the State Constitution

The bill would become operative only if Assembly Bill 1146 is chaptered and becomes operative on or before January 1, 1982.

**Ch. 980 (SB 229) Doolittle Peace officers.**

Under existing law, the prevailing party in a civil action is entitled to costs which, in general, do not include attorney's fees.

This bill would provide that in an action for damages arising out of the performance of a peace officer's duties against a peace officer or public entity employing a peace officer, or in an action for libel or slander, the court in its discretion may award attorney's fees to the defendant or defendants as part of the costs upon a finding that the action was not filed or maintained in good faith and with reasonable cause.

**Ch. 981 (AB 1285) McAlister Utilities: unlawfully obtained services.**

Existing law provides for the furnishing of electricity, gas, water, and other utility services and commodities by privately owned public utilities subject to regulation by the Public Utilities Commission and by various public agencies subject to regulation by their governing bodies.

This bill would give the utility the right to bring a civil action for damages for the unauthorized taking or diversion of electricity, gas, or water without being properly metered or otherwise authorized by the utility, and would specify that damages shall be 3 times the amount of actual damages plus specified costs.

The bill would also permit a utility to bring action to enjoin any of these prohibited practices without having suffered, or being threatened with, monetary damages

**Ch. 982 (SB 900) Montoya. Air pollution: State Air Resources Board.**

(1) Under existing law, the State Air Resources Board is composed of 5 members appointed by the Governor with the consent of the Senate. The members are required to meet specified specifications.

This bill would increase the state board to 7 members with all members appointed by the Governor with the consent of the Senate. The qualifications for the Governor's appointees would be revised. The Governor would be required to appoint 3 members from the boards of air pollution control districts, with 2 of them being a board member of the South Coast Air Quality Management District, a board member of the Bay Area Air Quality Management District, and a board member of the San Diego Air Pollution Control District, who shall serve in rotation, as specified.

(2) Under existing law, the Governor appoints the chairman of the state board from among its members.

The bill would redesignate the chairman as the chairperson and would require the chairperson to serve full time.

(3) Existing law authorizes the state board to appoint an executive officer and to delegate duties to the executive officer as the state board deems appropriate.

The bill would require the executive officer to serve at the pleasure of the state board. It would require the executive officer, in establishing plans or taking over enforcement responsibilities for a district, to follow statutory requirements for the adoption of rules and regulations. The district would be given notice and opportunity to act before any rule or regulation would be adopted by the state board for the district.

(4) Under existing law, the state board administers an air pollution control subvention program which subvenes funds to districts.

This bill would require the state board to hold a public hearing, upon a 45-day written notice, prior to taking action with respect to subvention payments.

(5) This bill would authorize the districts to pay the compensation of the district members on the state board from state funds subvened to the districts under the air pollution control subvention program.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 983 (SB 498) Presley. State administrative regulations**

An existing statute: (1) authorizes state administrative agencies to adopt, without notice or public hearings, emergency regulations of limited duration, upon a finding of an emergency, which finding is made by utilizing a standard substantially similar to the constitutional standard for urgency statutes and must include, among other things, the specific facts showing the need for immediate action; (2) requires the emergency statement and the regulation or order of repeal to be immediately filed with the Rules Committees of both houses.

This bill would (a) provide that the enactment of an urgency statute, in and of itself, shall not constitute a need for immediate action; (b) require immediate filing also with the Office of Administrative Law

An existing statute requires the required 45-day prior notice to include various specified matters, including an informative digest in a format similar to legislative bill digests

This bill would require the informative digest, if the proposed action differs substantially from a comparable federal regulation or statute, to include a brief description of the significant differences and full citations of the federal regulation or statute

An existing statute prescribes the conditions and procedures for the public hearing, including opportunities for interested persons to make presentations, as specified.

This bill would prohibit the addition, after the closing of the hearing, of any material to the record of the rulemaking proceeding, unless adequate provision is made for public comment thereon

Existing statutes require the Office of Administrative Law, in reviewing nonemergency state regulations, to make determinations utilizing, among others, the standard of "necessity," as defined

This bill would add to the definition of the standard of "necessity" a requirement that a regulation does not serve the same purpose as another regulation and would require proposed adoptions of any new regulation to identify any other overlapped or duplicated state regulation and the justification therefor

This bill would also make additional changes in Section 11349 of the Government Code, proposed by AB 1745 to become operative only if this bill and AB 1745 are both chaptered and become effective on January 1, 1982, and this bill is chaptered after AB 1745.

This bill would also, if both this bill and AB 1014 are chaptered and this bill is chaptered after AB 1014, make inoperative redundant provisions, Sections 11346 11, 11346 51, and 11346 81 of the Government Code, which would be enacted by this bill.

**Ch. 984 (AB 1595) Moorhead. Administrative traffic adjudication.**

(1) Existing law authorizes the Department of Motor Vehicles or the Department of the California Highway Patrol or specified police officers or deputy sheriffs to take possession of licenses when expired, revoked, suspended, or canceled.

This bill would also authorize the Traffic Adjudication Board to take possession of licenses in those circumstances.

(2) Under existing law, the term "traffic safety violation", for purposes of administrative adjudication of driving offenses, includes infractions of the Vehicle Code or local ordinances or resolutions adopted pursuant thereto.

This bill would redefine that term to also include any rule or regulation of a state agency adopted pursuant to the Vehicle Code.

(3) Except for a specified study group, existing law authorizes citation for infractions which are also traffic safety violations before a hearing officer of the board. Among other things, the schedule of monetary sanctions is required to be on the notice to appear or on a form accompanying the notice, and, when additional nonmonetary sanctions may be imposed, the notice or form accompanying the notice is required to state that a personal appearance will be required

This bill would instead authorize the applicable monetary sanctions to be given to the cited person on a form sent by first-class mail and, when additional nonmonetary sanctions may be imposed, would require the notice to appear or the form sent by mail to state that a personal appearance will be required

(4) Under existing law, a person who receives a notice to appear for a traffic safety violation is required to answer by mail postmarked within 14 days, or by personal appearance at a traffic adjudication office within 14 days, of the date of the alleged violation.

This bill would extend the time to respond to 21 days of the alleged violation

(5) Under existing law and notwithstanding other provisions of law, including the laws relating to crimes committed by juveniles, any person under the age of 18 who has been issued a license or permit to drive and is alleged to have committed a traffic safety violation is subject to administrative adjudication of that violation.

This bill would make any person under the age of 18 who is alleged to have committed a traffic safety violation subject to administrative adjudication of that violation

(6) Under existing law, a person given a notice to appear for a traffic safety violation has various answering options, including a denial with a waiver of full hearing and denial requiring a full hearing. The notice to appear is required to specify the local traffic adjudication area processing center and a check or money order for the violation is required to be submitted for each answer.

This bill would authorize the board to prescribe terms and conditions for exercise of the answer option of denial with waiver of full hearing and would require any terms and conditions to be included in the annual report to the Legislature by the board. The bill would delete the requirement for the location of the center to be on the notice to appear, and, instead, require it on the answer form. The bill would limit the requirement for a check or money order to be submitted with the answer to those cases where it is specified on the answer form. The bill would also authorize the board to require a cited person to appear whenever the board determines it is in the interest of traffic safety to do so and to suspend or revoke the license of a person who fails to comply with the requirements of the notice to appear.

(7) Under existing law, the hearing officer or the board may suspend or revoke the driving privilege of a person who doesn't answer or comply with a notice to appear or an order of the board or hearing officer, which suspension is effective after 60 days from receipt of the notice of suspension sent by certified mail. At the termination of suspension or revocation, a fee of \$6 is required to be paid to the board in addition to any other specified fees, and the fees are continuously appropriated to the board for its administrative costs.

This bill would make that suspension or revocation effective after 45 days from receipt of the notice of suspension sent by first-class mail, increase the termination of suspension or revocation fee to \$20 and state the purposes of the fee is to reimburse board for its costs and to encourage compliance with board requirements. The bill would also authorize the board to notify the Department of Motor Vehicles when a cited person has failed to answer, appear, or comply with the notice to appear or any order of the board or hearing officer, in which case the department may refuse to refuse registration, renewal, or transfer of the vehicle registration of the cited vehicle until the cited person complies with the board's requirements.

(8) Existing law provides for a notice of violation to be issued when a specified peace officer has reasonable cause to believe a person involved in a traffic accident has violated a nonfelony violation of the Vehicle Code or local ordinances, which violation was a factor in the occurrence of the traffic accident. The notice of violation is required to be delivered by the officer to the person named in the notice and, when filed in court, is a complaint to which the defendant may plead guilty or *nolo contendere*, or is the basis for a complaint and further proceedings. Existing law does not authorize administrative adjudication of such a notice by the board

This bill would require, notwithstanding any other provisions of the Vehicle Code, the board to notify the department if the cited person who has had a copy delivered to him or her has failed to answer, appear, or otherwise comply with the notice of violation and the department would be required to refuse issuance or renewal of the cited person's driving privilege until the cited person has complied with the requirements of the board. Otherwise, when a person is delivered a notice of violation when so issued, the provisions relating to administrative traffic adjudication shall apply

(9) Existing law also makes it an infraction for an owner or other person, employing or directing a driver of a vehicle to cause operation of the vehicle upon a highway contrary to law or to cause it to be operated when not registered or when it violates equipment, load, or air pollution requirements or when it violates regulations or city or county ordinances adopted pursuant to the code. Existing law authorizes an owner or lessee, prosecuted under those provisions to cause the court to join the driver as a codefendant. When a written notice to appear has been mailed to an owner or other person under these provisions and filed in court, it is a complaint to which the defendant



may plead guilty or nolo contendere, or is the basis for a complaint for further proceedings. Existing law does not authorize administrative adjudication of such a notice by the board.

This bill would, when a notice to appear is issued and mailed to an owner or other person under those provisions, and notwithstanding any other provision of the Vehicle Code, provide that the provisions relating to administrative traffic adjudication shall apply

(10) Existing law provides for an appeal of a decision of a hearing officer in administrative adjudication of traffic safety violations to the board. A fee of \$10 is required to make an appeal, and a transcript of the hearing is available at cost to the appellant upon deposit of \$20 toward those costs

This bill would authorize the board to waive those fees for indigents and to prescribe the standards for determining indigency by rules and regulations of the board

(11) Existing law does not provide for the precedent decisions of the board

This bill would authorize the board, on appeals, to designate certain of its decisions as precedents and provide a procedure for that determination and revision of the precedent decisions on judicial review. The bill would require hearing officers to be controlled by the precedent decisions, and would permit any interested person or organization to bring an action for declaratory relief for judicial review, as specified

(12) Under existing law, orders issued on an appeal are required to be sent by certified mail.

This bill would require the orders to be sent by first-class mail

#### Ch. 985 (SB 315) Holmdahl Taxation. documentary transfer tax

Existing law authorizes counties and cities and counties to impose a documentary transfer tax at a specified rate upon deeds, instruments, or other writings by which specified property is transferred

This bill would preclude the imposition of that tax upon conveyancing documents transferring community, quasi-community, or quasi-marital property assets between spouses in effecting a division of community, quasi-community, or quasi-marital property required by a judgment decreeing a dissolution of marriage or legal separation, a judgment of nullity, or other judgment or order rendered pursuant to the Family Law Act, or a written agreement between the spouses, as specified

This bill would require the applicable documents to include a specified recital in order to qualify for the exemption from the tax.

#### Ch. 986 (SB 218) Mello Monterey Peninsula Water Management District.

(1) Under existing law, the Monterey Peninsula Water Management District is authorized to adopt by ordinance reasonable rules and regulations to carry out its powers

This bill would make violation of district ordinances a misdemeanor, punishable as prescribed

(2) Under existing law, the district is required to hold a public hearing on the annual report on activities of the district in the protection and augmentation of water supplies on the second Tuesday in March

This bill would change the date of the hearing to the second Monday in March

(3) Under existing law, the district is generally authorized to acquire by grant, purchase, gift, devise, or lease or by exercise of the power of eminent domain property necessary for carrying out the powers and purposes of the district

This bill would authorize the district to lease real property which belongs to the district to any person, firm, or corporation for the purpose of constructing on the premises a building or buildings for the use of the district during the term of the lease, and would specify terms and conditions relating to any such lease

(4) Under existing law, an election to authorize zone work or zone projects of the district may be conducted by use of all-mailed ballots only if no more than 300 registered voters are eligible to participate

This bill would permit the district to conduct zone work or zone project elections by all-mailed ballots regardless of the number of eligible voters

(5) Under existing law, the district is authorized to fix and collect standby charges, to be applied to areas within the district to which service is made available, whether the service is actually used or not

This bill would authorize the district, by ordinance, to provide a procedure for the levy of a benefit assessment on each parcel of real property within any zone to pay the costs of works or projects of the zone, and would prescribe related matters.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 987 (SB 412) Johnson. Custodial officers.**

Existing law defines and prescribes the authority of custodial officers as employees of a city or county, or of a county having a population of 250,000 or less, who are required to complete specified training prior to actual assignment.

This bill would authorize the performance of duties under specified supervision prior to completion of training.

Under existing law, custodial officers of a county having a population of 250,000 or less have specified authority to carry firearms.

This bill would limit this authority to trained custodial officers, as specified.

Under existing law, custodial officers of other counties and cities have no right to carry or possess firearms in the performance of their duties.

This bill would provide specified emergency authority for the carrying of firearms by custodial officers of other counties and cities prior to July 1, 1983.

Existing law provides as specified for assistance to counties from the County Jail Capital Expenditure Fund.

This bill would exempt Monterey County from specified control language and regulations relative to that fund.

The bill would take effect immediately as an urgency statute.

**Ch. 988 (SB 303) Davis. Juveniles.**

There is no provision of existing law specifically prohibiting a person from bringing or sending controlled substances, alcoholic beverages, firearms, weapons, or explosives, as defined, into any county juvenile hall, home, ranch, camp, or forestry camp.

This bill would provide that such conduct is a crime punishable, in the case of alcoholic beverages as a misdemeanor, and in other cases either as a felony or a misdemeanor.

Existing law limits the number of children that may be received or contained in a juvenile home or camp to 100.

This bill would increase the maximum allowable number of children to 130 upon approval of the county's request for expanded capacity by the Department of the Youth Authority, as specified. This provision would be operative only until January 1, ~~1983~~ [1984]\*, and on that date would be repealed.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 989 (AB 1868) Berman. Pharmacy.**

Existing law prohibits any person from manufacturing, compounding, selling, or dispensing any dangerous drug or from dispensing or compounding any prescription of a medical practitioner unless the person is a registered pharmacist. The law does not otherwise define the scope of practice of a pharmacist.

This bill would provide that a registered pharmacist may (1) furnish to a prescriber a reasonable quantity of compounded medication for office use, (2) transmit a valid prescription to another registered pharmacist, (3) administer, orally or topically, drugs and biologicals pursuant to a prescriber's order, and (4) after having received appropriate training, as determined by the California State Board of Pharmacy, perform specified

procedures or functions in a licensed health care facility in accordance with certain policies, procedures or protocols.

**Ch. 990 (AB 1562) Bates. Developmental disabilities.**

(1) Under existing law, when a regional center files a certificate of nonobjection by any person, an adult developmentally disabled patient may be admitted to a state hospital, community care facility, or health facility. A mentally retarded person who is a danger to himself or herself or others may, after a hearing, be committed to a state hospital or other facility for 1 year. Adults admitted to a state hospital, community care facility, or health facility as developmentally disabled patients have a right to a hearing by writ of habeas corpus and to be released if the adult is not developmentally disabled or if developmentally disabled and is able to provide safety for his or her basic personal needs for food, shelter, and clothing.

This bill would delete the reference to state hospitals in the provision relating to the filing of a certificate of nonobjection by a regional center.

This bill would authorize the release or commitment to a less restrictive more appropriate alternative placement of an adult committed as dangerously mentally retarded if he or she is no longer a danger to self or others.

This bill would also require a fair hearing in the event that objections are made to the admission of an adult developmentally person to a community care facility or health facility.

Under existing law, a developmentally disabled patient in a state hospital cannot be transferred to a different state hospital by the State Department of Developmental Services without the consent of the parent, guardian, or conservator.

This bill would delete such requirement and, instead, require that objections to the transfer be resolved in a fair hearing, as prescribed.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required.

**Ch 991 (AB 560) Johnston. Health: specialty clinics**

(1) Existing law permits licensure as a chronic dialysis clinic or surgical clinic without a certificate of need with respect to existing outpatient clinics verified by the State Department of Health Services and the Office of Statewide Health Planning and Development as having met prescribed criteria prior to September 26, 1978.

This bill would, additionally, permit licensure as a rehabilitative services clinic without a certificate of need with respect to those outpatient clinics, community clinics, or free clinics licensed as such before September 26, 1978, as verified by the department and the Office of Statewide Health Planning and Development.

(2) Existing law requires any person, firm, association, partnership, or corporation desiring an initial license, renewal license, or license upon change of ownership for a clinic or a special permit for special services to file an application for a license accompanied by a fee.

Existing law imposes a \$30 annual application fee for all primary care clinics and imposes a \$2,000 annual application fee for all specialty clinics except surgical clinics. Existing law also defines substance abuse clinics as specialty clinics except surgical clinics.

This bill would repeal those provisions which define substance abuse clinics as specialty clinics.

This bill would also impose a \$30 annual application fee for all rehabilitation clinics which are operated by a licensee which is a nonprofit corporation exempt from federal

taxation.

Ch. 992 (AB 752) Cramer. Mental health Short-Doyle programs transportation costs.

An existing statute provides that the costs of bringing a person in for 72-hour treatment and evaluation pursuant to the Lanterman-Petris-Short Act shall not be reimbursed by the state pursuant to the Short-Doyle Act.

This bill would require the Director of Mental Health to adopt regulations authorizing, upon request of the board of supervisors of a county containing more than 20,000 square miles, the use by that county of a sum not to exceed \$114,000 under the Short-Doyle Act out of existing Short-Doyle funds already allocated to it for such costs, if the distance to be traveled exceeds 50 miles and the unavailability of law enforcement transportation resulted in the use of an alternative transportation method which was reasonable and appropriate in the circumstances.

Ch. 993 (AB 1545) Bates. Mental health community residential treatment system programs.

(1) Existing statutes authorize counties to incorporate into the county Short-Doyle plan a community mental health residential treatment system. An interdepartmental coordinating group made up of various specified state officers is required to coordinate the existing and ongoing efforts of each state department to enhance the effectiveness of community residential treatment system programs and to advise the Legislature on further program development.

This bill would, in addition, include members representing the California Association of Social Rehabilitation Agencies, the Board of Governors of the California Community Colleges, and the Conference of Local Mental Health Directors on the interdepartmental coordinating group.

(2) Existing law requires the State Department of Mental Health to establish an advisory committee and to conduct or contract for the evaluation of community residential treatment systems.

This bill would require the membership of the department's advisory committee to reflect a balance of geographic, ethnic, and racial factors. The bill would also require a member of the department advisory committee that screens system proposals to participate in each of the evaluation reviews.

Ch. 994 (AB 592) Young. Nurses: licensing.

(1) Existing law requires that the building standards published in the State Building Standards Code and other regulations adopted by the State Department of Health Services for health facilities prescribe certain specified standards, including staffing with duly qualified licensed personnel, based on the type of health facility and the needs of the persons served by those facilities.

This bill would additionally prohibit those standards and regulations from requiring the use of a registered nurse for the performance of any service or staffing of any position in skilled nursing or intermediate care facilities which may be lawfully performed or staffed by a licensed vocational nurse, as prescribed. The bill would repeal those provisions on January 1, 1986.

(2) Existing law requires the department to adopt regulations setting forth the minimum number of equivalent nursing hours, as defined, per patient performed by licensed nurses required in skilled nursing and intermediate care facilities.

The bill would revise the definition of nursing hours.

This bill would require the department to require the utilization of a registered nurse at all times if the department determines that the services of a skilled nursing and intermediate care facility require the utilization of a registered nurse.

(3) This bill would make additional changes in Section 1276.5 of the Health and Safety Code, proposed by AB 1551, to be operative only if this bill and AB 1551 are both chaptered and this bill is chaptered after AB 1551.

Ch. 995 (AB 613) Alatorre. Medi-Cal: physician and dental services.

Under existing law, the State Director of Health Services is required to review annually the Medi-Cal reimbursement rates for physician and dental services and to revise such

rates periodically to ensure the reasonable access of Medi-Cal beneficiaries to such services

This bill would provide that rates of reimbursement shall make no distinction based on whether a particular service is provided by a physician or a dentist.

**Ch. 996 (SB 1021) Garamendi Housing developments**

(1) There is, under existing law, the Commission of Housing and Community Development which has certain prescribed powers and duties

This bill would abolish the commission and transfer the powers and duties of the commission to the Department of Housing and Community Development

(2) Existing law requires the California Housing Finance Agency, in each housing development financed by the agency and insured under a federal multifamily insurance program, to enter into a loan commitment only in conformance with certain prescribed requirements

This bill would repeal those provisions, and add similar provisions to become operative January 1, 1985.

**Ch. 997 (AB 664) Costa Housing finance.**

(1) There is in existing law the Supplementary Bond Security Account which exists in the California Housing Finance Fund for the purpose of securing issuances of bonds deemed necessary by the California Housing Finance Agency. Existing law requires all interest on the \$20,000,000 appropriated for the account to be paid to the General Fund at the end of each fiscal year

This bill would require that, commencing July 1, 1982, the interest on the account, under a specified schedule, remain in, and become a part of, the Supplementary Bond Security Account. The bill would repeal this requirement, effective July 1, 1987.

The bill would also provide that upon cessation of all agency operations and settlement of all agency debts and obligations, all assets of the California Housing Finance Agency, including all accounts and funds, would revert to the General Fund

(2) Existing law appropriates a prescribed sum from the General Fund to the California Housing Finance Agency, the Supplementary Bond Security Account in the California Housing Finance Fund, and the Department of Housing and Community Development for prescribed expenses. Existing law also requires such moneys advanced to be deposited in the California Housing Finance Fund and to be repaid from revenues of the agency no later than January 1, 1986

This bill would, instead, require such moneys to be repaid from revenues of the agency no later than March 1, 1982.

**Ch. 998 (AB 114) Vasconcellos Fiscal affairs**

(1) Under existing law, state subventions are provided to local governments to compensate them for revenues lost by reason of reductions in the assessed value of property caused by assessing that property as open-space lands pursuant to specified provisions of the Revenue and Taxation Code providing for valuation by the capitalization of income method.

Any entity of local government is authorized, in the alternative, to assess open-space lands under a system which also uses the capitalization of income method, subject to a ceiling on valuation based upon varying specified percentages of full cash value

This bill would provide that local governments assessing open-space lands pursuant to the latter method of valuation are entitled to open-space subventions

Existing law provides that open-space subventions are continuously appropriated.

This bill would thus affect the continuous appropriation by authorizing the payment of subventions for a purpose not presently authorized

(2) The Budget Act of 1981 appropriates specified amounts to the Department of Parks and Recreation from the Parklands Fund of 1980 to carry out specified projects under the Parklands Acquisition and Development Program

This bill would, to the extent the moneys in those funds can lawfully be used for these specified purposes, appropriate the unencumbered balance in the State Parks and Recreation Fund and the Off-Highway Vehicle Fund to the department to the extent necessary to carry out these projects and would require the department to reimburse these funds upon the receipt of the first proceeds from bonds sold pursuant to the

California Parklands Act of 1980.

(3) Under existing law, various appropriations and allocations are made of tidelands oil revenues, including allocations to the Capital Outlay Fund for Public Higher Education, the Energy and Resources Fund, the State Parks and Recreation Fund, the State School Building Lease-Purchase Fund, and the Special Account for Capital Outlay in the General Fund.

This bill would also do all of the following:

(a) Provide for the transfer of a portion of the unencumbered balance of specified appropriations to the Special Account for Capital Outlay in the General Fund.

(b) Provide for the transfer of \$8,000,000 from the unencumbered balance of the Local Agency Indebtedness Fund to the Special Account for Capital Outlay in the General Fund.

(c) Provide for the pro rata reduction in expenditures for projects funded from the Capital Outlay Fund for Public Higher Education, the Special Account for Capital Outlay, and the State Parks and Recreation Fund if federal law re fire and life safety requirements for specified public buildings is not changed during the 1981-82 fiscal year.

(d) Provide for the transfer of \$47,200,000 from the State School Building Lease-Purchase Fund to the Special Account for Capital Outlay and the Resources Account, Energy and Resources Fund, and for the repayment of the amounts transferred, as specified.

(e) Preclude the encumbrance of an appropriation made in the Budget Act of 1981 for a geothermal demonstration plant.

(f) Provide for the transfer of \$1,000,000 from the Off-Highway Vehicle Fund to the Energy and Resources Fund, and for the repayment of that portion of the amount transferred which is encumbered prior to June 30, 1982, and not reverted to the Off-Highway Fund.

(g) Provide for the transfer of \$3,378,000, from the State Parks and Recreation Fund to the Energy and Resources Fund.

(h) Authorize the Director of Finance to make reductions of up to \$2,000,000 in expenditures from the Energy and Resources Fund.

(4) This bill would take effect immediately as an urgency statute.

Ch. 999 (AB 835) Berman Santa Monica Mountains Conservancy: membership; real property acquisitions, comprehensive plan

(1) Under the Santa Monica Mountains Conservancy Act, the Santa Monica Mountains Conservancy is composed of 5 members.

This bill would increase the membership to 7 members by adding a member appointed by the Board of Supervisors of Los Angeles County and an elected official who is either a member of the Los Angeles or Thousand Oaks City Council or a member of the Board of Supervisors of Ventura County

(2) Under the act, the conservancy is authorized to acquire property within the Santa Monica Mountains Zone for specified purposes.

This bill would authorize the conservancy to acquire and improve real property anywhere within the zone upon a finding that the action is consistent with the approved Santa Monica Mountains comprehensive plan, provided that, if the proposed acquisition or development is in the coastal zone, the proposal is required to be submitted to the State Coastal Conservancy for review.

(3) Under the act, the conservancy is granted the right of first refusal on any property within the zone, except as specified, owned by a public agency and scheduled for disposal as excess lands, and to acquire that property at the disposing agency's purchase price plus any administrative and management costs incurred by the disposing agency

This bill would exempt the Los Angeles Unified School District from those provisions, subject to specified conditions relating to the sale to the conservancy, at the original purchase price, of described property of the district

The bill would also require the conservancy to exchange for the Las Virgenes Unified School District substitute property for excess school lands within the zone now held by the district

(4) Under the act, the plan may be amended, after public hearings and findings by the conservancy, upon request of a city, county, or recreation and park district within the zone or to meet a requirement of federal law in order to receive grant funds. The

conservancy is required to submit the amendment to the Secretary of the Interior for approval.

This bill would eliminate the provision authorizing an amendment to meet a requirement of federal law in order to receive grant funds and provide that the plan may be amended upon the request of the National Park Service or on the conservancy's own initiative subject to a specified procedure.

(5) Under the act, the act would be repealed on January 1, 1984

This bill would extend the repeal date to July 1, 1986.

(6) The Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976 authorizes the appropriation of money from the State, Urban, and Coastal Park Fund for acquisition and development of real property for the state park system.

This bill would amend and supplement the Budget Act of 1981 by reverting to that fund \$6,000,000 appropriated in the Budget Act of 1978 for specified projects in the Santa Monica Mountains and by appropriating \$6,000,000 to the Department of Parks and Recreation for other specified projects in the Santa Monica Mountains.

(7) The bill would make legislative findings that the preservation by the Santa Monica Mountains Conservancy of the Runyon Canyon Project (Huntington-Hartford Estate) is in the public interest and would require the conservancy to submit a proposal to the Legislature for funding the acquisition of that property.

(8) The bill would authorize the Assembly Energy and Natural Resources Committee and the Senate Natural Resources and Wildlife Committee to hold hearings during the 1983 portion of the 1983-84 Regular Session of the Legislature regarding the Santa Monica Mountains and to report their findings and recommendations, if hearings are held, to the Joint Legislative Budget Committee by January 1, 1984

(9) The Budget Act of 1981 appropriates specified amounts to the Department of Parks and Recreation from the Parklands Fund of 1980 to carry out specified projects under the Parklands Acquisition and Development Program.

This bill would, to the extent the moneys in those funds can lawfully be used for these specified purposes, appropriate the unencumbered balance in the State Parks and Recreation Fund and the Off-Highway Vehicle Fund to the department to the extent necessary to carry out these projects and would require the department to reimburse these funds upon the receipt of the first proceeds from bonds sold pursuant to the California Parklands Act of 1980.

(10) The bill would take effect immediately as an urgency statute.

Ch 1000 (AB 1149) Bates. Community colleges: flexible calendar term.

(1) Existing law enables the chancellor to approve the request of a community college district to offer a program of studies on a quarter or a trimester basis. Existing law also provides for a pilot program conducted by the Board of Governors regarding flexible and nontraditional calendar and course scheduling in community colleges.

This bill would repeal the pilot program and, instead, authorize community college districts to seek approval from the chancellor for a flexible calendar, as prescribed.

(2) This bill would also make other related changes.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(4) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(5) The above provisions of this bill would become operative July 1, 1982.

**Ch 1001 (SB 19) Campbell Schools: athletics**

Current law requires the State Department of Education to supervise, advise, and investigate the work in physical education in the elementary and secondary schools, as well as to exercise control over all athletic activities in the public schools

This bill would delete the provision giving the department general control over all athletic activities of the public schools, and add a provision specifically giving local governing boards the responsibility for governing interscholastic athletic programs in their school districts. The bill defines interscholastic athletics. In addition, it would permit the local boards to enter into associations or consortia to govern regional or statewide athletic programs so long as the association or consortium does not discriminate on the basis of race, sex, or ethnic origin.

This bill would state legislative intent that the California Interscholastic Federation consult with the State Department of Education to implement specified policies. The bill would prohibit the California Interscholastic Federation from participating directly in any student athletic insurance program, and would provide that the Federation shall not accept funds from any entity operating the student athletic insurance program, except as specified.

This bill would authorize the State Department of Education to state whether interscholastic athletic policies of school districts, associations or consortia of school districts, or the California Interscholastic Federation are in compliance with state and federal law, and, if the department states there is noncompliance, to require such compliance. However, the department would not be permitted to require that specific policies be followed to achieve such compliance. This bill would authorize the department to bring appropriate legal proceedings if it determines that the California Interscholastic Federation, a district, association or consortium is not complying with state and federal law, and no action is being taken to achieve compliance.

The provisions of this bill would remain in effect until June 30, 1987.

**Ch. 1002 (SB 283) Garamendi. Drugs**

Existing law requires specified drug education in public elementary and secondary schools, and requires drug abuse services as part of the county Short-Doyle program.

In addition, this bill would establish the School-Community Primary Prevention Program, which would affect only those counties in which the board of supervisors and the county board of education have each adopted a resolution electing to apply for available funds under the program. The bill would establish, as the highest priority for funding, programs which emphasize a joint School-Community Primary Prevention Program and would generally authorize school and classroom-oriented drug abuse prevention programs, school- or community-based nonclassroom alternative programs, or both, and family-oriented programs.

Procedures would be instituted for funding application and for planning at the state and local levels. Approved programs would be administered and implemented jointly by the county board of education and the county drug program coordinator, except that either of these parties could assume full or partial responsibilities for the other pursuant to interagency agreement.

The State Department of Education would be required to approve the plan for county offices of education, and the State Department of Alcohol and Drug Programs would be required to approve the plan for the county drug program coordinators. The bill would require that each of these plans be combined into a coordinated master plan prior to submission to the state. Approval of both state departments would be required in order for a county to receive funding. Review and comment of the master plan would be required, prior to submission to the state, by a primary prevention advisory committee, with specified membership under the bill.

The bill would provide for an evaluation on a representative sampling basis, and a report to the Legislature, by the Department of Education and the State Department of Alcohol and Drug Programs, regarding implementation of the School-Community Primary Prevention Program.

**Ch 1003 (SB 1024) Robbins Administrative regulations building standards**

(1) Existing law sets forth the procedures for the adoption, amendment, or repeal of regulations of state agencies and provides for the approval and publication of building standards adopted by state agencies.

Under the State Building Standards Law, building standards, as defined, are required



to be filed with the Secretary of State and published in the State Building Standards Code only after approval by the State Building Standards Commission, and they are prohibited from being published in any other title of the California Administrative Code, except as provided by other provisions of law. Existing law also provides that the commission shall determine if any regulation of a state agency is a building standard. The State Building Standards Code is required to be published, as defined, in bound editions triennially and supplements are required to be published annually. Emergency supplements are required to be published when the commission determines it is necessary.

This bill would provide that if a regulation is determined to be a building standard, it becomes effective only upon its codification, as defined, in the triennial edition of the State Building Standards Code or one of its supplements. The bill would also require the commission to file a copy of the State Building Standards Code and each California Administrative Register supplement containing building standards with the county clerk or the clerk's designee within 10 days of receipt of printed copies.

(2) Existing law does not require payment of costs to the commission for its services to state agencies.

This bill would require each state agency which adopts building standards to pay a proportionate share of the cost of the review and publication of building standards which are, or are proposed, to be published, as prescribed.

(3) Under existing law, if a regulation or order of repeal is determined to be a building standard, it does not become effective unless approved by the commission, except as expressly specified by statute, and it is required to be sent to the commission if it hasn't been approved.

This bill would require the Office of Administrative Law to consult with the commission if any regulation or order of repeal is filed with the office and if it appears to be a building standard which has not been approved by the commission to determine the character and status of the regulation or order.

The bill would also make other technical changes to the State Building Standards Law.

#### Ch. 1004 (AB 1540) Berman. County public health services

Present law provides for state subvention of county health services, as prescribed, from the County Health Services Fund, which is appropriated to the State Department of Health Services for this purpose without regard to fiscal years. Present law authorizes savings that occur for specified reasons in this fund to be allocated upon application and upon a matching basis to any county in accordance with special needs and priorities established by the Director of Health Services.

This bill would require the Director of Health Services to establish a systematic process for the annual defining of needs and priorities for the purpose of the funding method summarized above. The process would include annual reporting to the Legislature, consulting with the California Conference of Local Health Officers and the Officers of the County Supervisors Association of California, allocation of savings in the County Health Services Fund under specified circumstances, and a public hearing requirement.

For purposes of these county health services, the term "local jurisdiction" means a county, an existing local health district, or a city which has not transferred to the county enforcement authority of applicable health statutes and regulations.

This bill would expand the definition of "local jurisdiction" to include a city which provides public health services pursuant to a contract with a county through an organized health department recognized by the State Department of Health Services.

Existing law provides that counties receiving state financial assistance for specified health services shall submit a report to the State Department of Health Services concerning health services provided to indigent persons by November 1, 1981. Subsequent reports must also be submitted in a form and under procedures established by the department, after consultation with the County Supervisors Association of California.

This bill would provide that in establishing the format for the reports, the department shall also consult with the California Conference of Local Health Officers.

The bill provides for transfers of funds between accounts in the County Health Services Fund which is a continuously appropriated fund for the purpose of assisting counties to provide health services.†

† Appropriation in Section 13 of chapter deleted by action of the Governor

The bill would appropriate specified federal and county funds in the Health Care Deposit Fund for expenditure as soon as practicable for medical care and services as defined in the Welfare and Institutions Code.

The bill would take effect immediately as an urgency statute

**Ch. 1005 (SB 409) Garamendi. County plans: health and social services**

(1) Under existing law, each county is required to submit to various state agencies annual plans on various dates for the county Short-Doyle plan including the county drug plan, the county health service plan, the county alcohol plan, the county plan for child health and disability prevention program, and the county social services program

This bill would place a moratorium on the preparation and submission of these plans until September 15, 1983, when a multi-year base plan would be prepared by the county for the 1984-85 fiscal year for each program with annual updates to the base plan to be submitted annually thereafter on or before September 15.

The bill would require in the interim that the plans submitted for the 1981-82 fiscal year remain in effect with an annual update to that plan for the 1982-83 and 1983-84 fiscal years

(2) This bill would make additional changes in Section 5650 of the Welfare and Institutions Code, proposed by AB 173, if this bill and AB 173 are both chaptered and this bill is chaptered last

(3) This bill would make additional changes in Section 16700 of the Welfare and Institutions Code, proposed by AB 1540, if this bill and AB 1540 are both chaptered and this bill is chaptered last.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(5) This bill would take effect immediately as an urgency statute.

**Ch 1006 (AB 1416) Vicencia. Drivers' licenses.**

Existing law authorizes the Department of Motor Vehicles to issue identification cards and drivers' licenses. Existing law requires drivers' licenses to bear a fullface photograph of the licensee and provides for the issuance of identification cards to persons requesting them.

This bill would authorize the use of an engraved picture, in lieu of a photograph, on licenses and identification cards, and make related changes.

The bill would prohibit the department from contracting with a nongovernmental entity for the processing of drivers' licenses and identification cards, unless 2 or more qualified bids from independent, responsible bidders are received.

**Ch 1007 (SB 626) Mello. Coastal zone: housing policy; beach sand replenishment; local government**

(1) The California Coastal Act of 1976, generally, provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, which shall be based on various coastal resources planning and management policies set forth in the act.

These policies, among other things, provide that housing opportunities for persons and families of low or moderate income shall be protected, encouraged, and, where feasible, provided. It is further provided that new housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with designated provisions. Existing law requires the planning agency of each city, county, or city and county to submit a draft of its housing element, or amendment thereto, to the Department of Housing and Community Development for review and comment

This bill would modify these policies by preventing jurisdictions lying, in whole or in part, within the coastal zone from authorizing the proposed conversion or demolition of existing residential dwellings which would result in the displacement of persons and

families of low or moderate income, unless provision has been made for replacement housing opportunities located within the coastal zone, if feasible, or located within 3 miles of the coastal zone, as prescribed. The bill would require that new housing developments constructed in the coastal zone provide housing for persons and families of low or moderate income, where feasible, as defined. It would require, in order to assist in the economic feasibility of providing such new housing opportunities, that the jurisdiction offer density bonuses and other incentives. The bill would authorize local governments to impose fees upon persons subject to certain provisions contained in the bill in an amount sufficient to cover administrative costs incurred in enforcing those provisions.

The bill would provide for certain treatment of the housing provisions of a local coastal program prepared and certified prior to January 1, 1982. The bill would permit the revision of coastal development permits, issued prior to January 1, 1982, and which imposed conditions requiring housing for persons and families of low or moderate income in the development under prescribed circumstances, and would expressly provide that no new coastal development permit or amendment of an existing permit for a sewer project shall be denied, restricted, or conditioned in order to implement housing policies or programs.

(2) This bill would terminate the escrow account established to provide funding for the Beach Sand Replenishment Program required in connection with the San Francisco Westside Transport Phase of the San Francisco Wastewater Management Program and revert the money to the City and County of San Francisco. Any money received by that city and county from any state or federal agency after January 1, 1982, for purposes of a beach and sand replenishment program in connection with that project would be required to be reserved and expended for those purposes, as prescribed.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 1008 (AB 447) Kapiloff. Land grants: City of San Diego.

Under existing law, certain lands have been granted to the City of San Diego, subject to prescribed terms and restrictions.

This bill would authorize the City of San Diego, not later than February 1, 1982, to concur by resolution in specified findings and determinations regarding the residential use by mobilehome tenants of specified parcels situated in Mission Bay, commonly known as De Anza Point, granted by the state to the City of San Diego, which lands are subject to a 50-year lease agreement entered into by the city for development of the lands as a tourist and trailer park. The concurred-in findings and determinations would be subject to specified conditions requiring public access to be permitted and specifying that on and after November 23, 2003, the lands shall be developed for park and recreation purposes consistent with the Master Plan for Mission Bay Park in effect on August 11, 1981.

The bill would be inoperative if, by February 1, 1982, the city fails to concur in the findings and determinations.

#### Ch. 1009 (AB 1091) Costa. Disorderly conduct.

Under existing law a person found in any public place under the influence of intoxicating liquor, any drug, or a designated substance, or a combination thereof, as specified, or who because of being under the influence of any such liquor, drug, or substance interferes with or obstructs or prevents the free use of a public way, is guilty of disorderly conduct.

This bill would provide that if such a person has been previously convicted of such conduct he or she shall be imprisoned in the county jail for not less than 90 days, but would authorize probation or suspension of the sentence upon the condition that he or she spend 60 days in an alcohol recovery program, as specified. The provisions of the bill would be operative in a county only if the board of supervisors adopts an ordinance to

that effect

Ch. 1010 (SB 1127) Rains. State Bar dues.

Existing law provides that the maximum membership fee that can be imposed by the Board of Governors of the State Bar on active members of the state bar who have been admitted to the practice of law for 3 years or longer is \$130. The maximum that may be imposed for members who have been admitted for less than 3 years is ~~\$90~~ [\$75]\*. The authorization with regard to dues is operative only until January 1, 1982.

This bill would, with respect to the basic membership fee, increase the amount that may be imposed for members who have been admitted for 3 years or longer to \$165 and would ~~decrease~~ [increase]\* the maximum fee for members who have been admitted for less than 3 years to \$95. The operative date of the provision would be extended to January 1, 1983.

Ch. 1011 (AB 1203) Bosco. Milk inspection services.

Existing law specifically provides for the employment of persons to provide inspection services relating to milk and milk products.

This bill would require the Director of Food and Agriculture to issue a milk inspection certificate with specified limited authority to any registered sanitarian employed by a local health department who will be employed in connection with an approved milk inspection service following the completion by the sanitarian of an approved certification course.

Ch. 1012 (AB 1282) Elder. Property taxation.

Under existing laws relating to property taxation, procedures are established for providing notice of the sale to the state of tax delinquent property to the assessee.

This bill would change the fees, as specified, which are collected by the tax collector for preparing delinquent tax records and giving notice of delinquencies.

Existing law requires that, whenever a tax collector establishes a procedure for making and preserving a record of individual tax payments, receipts for tax payments made by mail shall be issued only when requested by the person making payment. It requires that the tax bill contain a statement to that effect and provide an appropriate place in which the taxpayer may request a receipt. Receipts requested are required to be furnished without cost to the taxpayer.

Existing local administrative practice requires that receipts also be issued whenever taxes are paid in cash.

This bill would delete the requirement that the tax bill provide a place for requesting a receipt and would codify the existing practice of issuing receipts whenever taxes are paid in cash.

Existing law specifies the required contents of a tax payment receipt.

This bill would revise the required contents of a tax payment receipt.

Ch. 1013 (SB 230) Schmutz. Municipal election: date.

Existing law specifies that a general municipal election must be held on the second Tuesday in April of even-numbered years except in specified limited cases.

This bill would authorize a city to hold its general municipal election on the same day as the statewide direct primary election, the day of the statewide general election, or the day of school district elections.

This bill would take effect immediately, as an urgency statute.

Ch. 1014 (SB 57) Rains. Subpoenas.

Under existing law, effective January 1, 1981, reasonable costs incurred by a business which is neither a party nor the place where a cause of action is alleged to have arisen may be charged against the party requesting the issuance of a subpoena for the production of records of the business. Existing law provides that the custodian of the records, upon demand, shall be paid reasonable costs before being required to deliver the records.

Existing law also contains provisions specifically applicable to subpoenas of patient records from a hospital, osteopath, physician and surgeon, or dentist, which provide that the sole fee for complying with the subpoena is \$12.

This bill would delete the above provisions and would instead provide that all reason-

able costs of a witness which is not a party with respect to a subpoena duces tecum of business records may be charged against the party serving the subpoena. It would limit copying costs to \$ 10 per page for standard documents, and actual cost for oversize documents plus clerical costs as specified. It would provide that the requesting party shall not be required to pay in advance of availability for delivery. It would provide for a petition to recover excess costs paid, as specified. The bill would contain related provisions.

Under existing law a person who, by subpoena, seeks the production [of personal]\* records of a consumer, as defined, which are maintained by specified persons or entities, must comply with specified notice and related provisions.

This bill would exempt from such requirements specified provisions of the Labor Code.

#### Ch 1015 (AB 672) Lehman. Safe drinking water grants.

At the 1980 general election (Proposition 9), the voters approved an amendment to the California Safe Drinking Water Bond Law of 1976, which increased the amount of bond proceeds which may be used for a grant program for public agencies which own or operate domestic water systems from \$15,000,000 to \$30,000,000, and permitted up to \$15,000,000 of that amount to be used for grants for projects for the construction, improvement, or rehabilitation of domestic water systems which have become contaminated by organic or inorganic compounds or radiation, in such amounts as to render the water unfit or hazardous for human consumption. Under existing law, each grant is required to be approved by the Legislature. Existing law restricts administrative costs under these provisions to not more than 3% of the bond proceeds deposited in the California Safe Drinking Water Fund.

This bill would revise the statutory provisions establishing the California safe drinking water grant program to incorporate the foregoing amendment to the California Safe Drinking Water Bond Law of 1976 approved by the voters.

The bill would require legislative approval only for grants in excess of \$100,000. It would specify that administrative costs shall not exceed 3% of the total amount of the bonds authorized to be issued under these provisions, and would state that this change is declaratory of existing law.

The bill would permit a grant under the program to include planning as well as construction costs of a project.

The bill would also authorize grants from the California Safe Drinking Water Fund not to exceed the amount of \$400,000 to the City of Parlier, the West Parlier Community Services District, the Del Rey Community Services District, and the Hornbrook Community Services District, and not to exceed the amount of \$341,000 to the City of Biggs, not to exceed the amount of \$350,000 to the City of Etna, and not to exceed the amount of \$109,000 to the Mendocino Unified School District, for the purpose of improving their domestic water systems to meet, at a minimum, safe drinking water standards, and would make legislative findings in that connection.

The bill would take effect immediately as an urgency statute.

#### Ch 1016 (AB 514) Harris. Oakland: port area lands.

Under existing law, certain lands which were tide or submerged lands are held subject to a public trust, commonly described as the public trust for commerce, navigation, and fisheries.

This bill would, subject to a specified exchange of interests in lands, terminate all of the state's sovereign public trust right, title, and interest, to the extent that any of the right, title, and interest exists, in all former tide or submerged lands that may have been situated within certain described boundaries within the Port Area of the City of Oakland. The bill would make legislative findings and declarations in this connection.

The bill would expressly grant in trust to the City of Oakland specified former submerged lands, and would permit the City of Oakland under any prior grant in trust of tidelands, submerged lands, and salt marsh to grant franchises and leases for terms not to exceed 66 years.

**Ch. 1017 (SB 311) Holmdahl. Limitations of actions.**

Under existing law, with respect to felonies other than certain specified felonies, an indictment must be found, and information filed, or a case certified to the superior court within 3 years after its commission, or for certain sex crimes against minors, 5 years after its commission. With respect to other specified felonies such time period is 6 years after the commission of the felony, and with respect to still other specified felonies, such time period is 3 years after the discovery of the felony.

This bill would revise such provisions by deleting the requirement that an information be filed or case certified to the superior court within the specified time limits, and would instead require that an indictment be found, or an arrest warrant be issued in the municipal or justice court within those time limits.

The bill would also specify that felony welfare fraud is an offense for which an indictment must be found or an arrest warrant issued within 3 years after its discovery.

Under existing law, a period of time that a defendant is not within the state is not part of a limitation of time for commencing a criminal action.

This bill would also provide that a time limitation for commencing a criminal action shall be tolled upon the issuance of an arrest warrant or finding of an indictment, and the time during which a criminal action is pending is not part of any time limitation for recommencing a criminal action in the event of a dismissal, as specified.

The bill would provide that the changes providing that an indictment must be found, or an arrest warrant issued within certain time limits, and providing for the tolling of time limitations upon the issuance of an arrest warrant or finding of an indictment, would remain in effect only until a decision of a court of appeal or the California Supreme Court, or an amendment to the California Constitution, provides that a person charged by indictment is not entitled to a preliminary hearing, as specified.

This bill would incorporate additional changes in Section 800 of the Penal Code proposed by Senate Bills 209 and 276 and Assembly Bill 303 to become operative if this bill and those bills are all chaptered and become effective January 1, 1982, and this bill is chaptered last.

**Ch. 1018 (AB 1630) Robinson. Unemployment insurance.**

Existing law requires the Employment Development Department to determine the eligibility of claimants for unemployment compensation benefits.

The bill would make technical changes regarding department determination of claimants' eligibility for benefits.

**Ch. 1019 (AB 1619) Levine. Methane gas.**

Under a provision of existing law, the State Solid Waste Management Board was required to submit a study to the Legislature and the Governor, not later than December 31, 1979, regarding the feasibility of recovering methane gas from landfills and required the board, based upon the findings of the feasibility study, to develop a proposed program to implement the maximum feasible recovery of methane gas at landfills in the state.

This bill would require the board to undertake a 2-year study in order to: (1) determine the most effective means of monitoring gas release, (2) develop technical specifications for gas migrations systems compatible with maximum recovery of the gas, (3) formulate maximum concentration standards, and (4) develop a technical assistance strategy.

The bill would require the board to submit a specified report to the Legislature on or before January 1, 1984.

The bill would appropriate \$200,000 from the California Environmental License Plate Fund for purposes of funding the above study and would require the board to allocate up to \$200,000 of certain moneys, designated for resource recovery pursuant to other specified provisions during the 1981-82 fiscal year, to assist in financing the above study.

**Ch. 1020 (AB 1362) Martinez. General education equivalency certificates. fees.**

Under existing law, the Superintendent of Public Instruction may charge an application fee, established by the State Board of Education not to exceed \$10 per person, for a general education equivalency certificate. The fees are continuously appropriated for the program.

This bill would raise the maximum fee that may be charged to \$20.

**Ch. 1021 (AB 1690) Johnson Schools: juvenile court schools.**

Existing law generally requires a 5th year of college level work beyond the bachelor's degree to qualify for a teaching credential. Existing law also provides that a valid teaching credential, based upon a bachelor's degree, student teaching, and special fitness to perform the duties, qualifies a person holding such a credential for assignment, with the consent of the teacher, as a home teacher and as a teacher in hospital classes, classes for adults, continuation schools, necessary small high schools, alternative schools, and opportunity schools.

This bill would also authorize that person for assignment, with the consent of the teacher, as a teacher in juvenile court schools and county community schools.

**Ch. 1022 (AB 1265) Cramer Schools: student hazing**

(1) Existing law prohibits any student, or any other person in attendance at any public, private, parochial, or military school, community college, college or other educational institution from conspiring to engage in, or from participating in the hazing of any student or other person, as defined. Existing law specifies that a violation of the hazing provisions of law shall constitute a misdemeanor and specifies the allowable fines and imprisonment, or both.

Existing law authorizes the governing board of any public school, public college, public university or other public educational institution or agency to adopt necessary rules and regulations to implement these provisions.

This bill would extend the definition of hazing to include any method of initiation or preinitiation which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any student or other person in attendance of specified educational institutions.

This bill would increase the maximum fine for a violation of these provisions to \$5,000 and would increase the maximum imprisonment term to not more than 1 year in the county jail.

Existing law authorizes the governing board of any public school or any other public educational institution or agency to adopt implementing rules and regulations.

This bill would require the governing board of any public college or university on or after January 1, 1988, to adopt necessary rules and regulations, and would require that these rules and regulations be published in all campus general catalogs.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1994, the provisions contained in the bill for which state reimbursement is required.

**Ch. 1023 (AB 1162) Moore Public education employees' benefits**

Existing law permits public school employers to establish regulations authorizing certain members of the State Teachers' Retirement System and the Public Employees' Retirement System employed on a part-time basis to receive the retirement credit that they would have received on a full-time basis if specified contributions are paid as on a full-time basis by the member and the employer. The members are required to have at least 10 years of full-time employment of which the immediately preceding 5 years were full-time employment. This part-time employment may not extend beyond the end of the school year during which the member reaches his or her 65th birthday.

Existing law further provides that the option of part-time employment can be revoked only with the mutual consent of the employer and the member, and provides that the Teachers' Retirement Board would specify the employer contribution rate.

These provisions of law will be repealed on June 30, 1983, unless that date is deleted or extended by a later enacted statute, but authorize any member who commences that part-time employment prior to June 30, 1983, to continue that part-time employment until completion of 5 years of that employment.

This bill would allow the period of part-time employment to extend to the school year during which the member reaches his or her 70th birthday.

This bill would require that prior to the reduction of an employee's workload, the district personnel responsible for the administration of the program, in conjunction with the administrative staff of the State Teachers' Retirement System and the Public Employees' Retirement System, shall verify the applicant's eligibility for the program.

This bill would further eliminate the provisions which repeal the law on June 30, 1983.

#### Ch 1024 (AB 1674) Alatorre Cosmetology

Existing law authorizes the State Board of Cosmetology to issue a wig styling certificate to a person, authorizing the holder thereof to engage in the practice of wig styling without holding a license as a cosmetologist

This bill would delete that provision.

Existing law requires applicants for a license as a cosmetologist or any branch thereof to furnish a photograph of 5 inches by 3 inches in size

This bill would provide that the photograph need be no larger than 5 inches by 3 inches in size.

Existing law provides that where any applicant for a license as a cosmetologist or any branch thereof fails to appear for examination within 1 year after being notified of eligibility therefor [ , he or she]\* shall forfeit the examination fee except where the failure to appear is due to service in the armed services during a period of war

This bill would revise that provision by authorizing the State Board of Cosmetology to define what constitutes a failure to appear without good cause, deletes the 1-year limitation for appearing after notification, and deletes the exception for service in the armed services.

Existing law requires every cosmetological establishment to provide one public toilet room

This bill would require only those cosmetological establishments where hairdressing services are performed to provide a public toilet room

Existing law authorizes a duplicate license to be issued by the State Board of Cosmetology upon, among other things, the payment of a \$2 fee

This bill would provide that the fee shall be not more than \$2

Existing law authorizes the issuance of a temporary permit to a cosmetologist or cosmetology instructor to practice in this state for a period not to exceed 5 days under specified conditions

This bill would delete that provision

Existing law authorizes every board within the Department of Consumer Affairs, including the State Board of Cosmetology, to establish license periods and renewal dates to better distribute the renewal work of the boards. The law provides that the various licenses issued by the State Board of Cosmetology expire on September 30 of each even-numbered year

This bill would state that the State Board of Cosmetology may establish a 2-year continuous renewal program to spread the renewal of licenses throughout the year.

The bill would also delete an obsolete provision relating to the issuance of a certificate of registration as a cosmetician, without examination, to persons meeting specified conditions

#### Ch 1025 (AB 1135) M Waters Disability compensation eligibility

Under existing law, individuals performing domestic service, including in-home supportive services, are covered under the unemployment and disability compensation insurance laws if the individuals are paid wages of \$1,000 or more during any calendar quarter in the calendar year or preceding calendar year

This bill would extend coverage under the disability compensation insurance law to otherwise eligible individuals performing domestic service, including in-home supportive services, if the individual's employing unit pays wages in cash of \$750 or more to individuals employed in such service during any calendar quarter in the calendar year or the preceding calendar year



**Ch. 1026 (AB 1016) McCarthy. Preliminary examinations.**

A defendant in a criminal case is required to be given an examination preliminary to a trial. If there is sufficient cause, based upon evidence adduced at the examination, to induce a strong suspicion in the mind of a man of ordinary caution or prudence that a crime has been committed and that the defendant is the guilty person, the defendant will be held to answer the criminal complaint.

This bill would expressly authorize a finding of sufficient cause to be based upon hearsay evidence, and would permit the prosecuting attorney to file with the court a statement made under penalty of perjury of the testimony of a witness which the prosecution wishes to be introduced at the examination in lieu of the testimony of the witness. The bill would permit the defendant to call any witness for examination. The bill would have no application where the witness is a victim of a crime against his or her person or where the testimony of the witness includes eyewitness identification of a defendant or the prosecuting attorney has not filed with the court and furnished to the defendant a copy of the statement 10 or more days prior to the date set for the preliminary hearing.

**Ch. 1027 (AB 1975) Young. Time deposits: notice requirements.**

Existing law provides that no later than 10 days, and no sooner than 60 days prior to the maturity date of a time deposit or fixed-term savings account certificate, a bank or savings and loan association must make specified written disclosures to a depositor. In this regard, banks and savings and loan associations are specifically not precluded from supplying depositors with additional written notices of time deposit maturity date.

This bill would also additionally specify that banks and savings and loan associations are not precluded from supplying depositors with written notices as to a new rate of interest in the event the time deposit is renewed.

Existing law provides that if a state savings and loan association has investment certificates outstanding, a determination to convert into a federal savings and loan association shall be approved by certificate holders holding not less than  $\frac{2}{3}$  in value of the outstanding investment certificates.

This bill would repeal that provision.

**Ch. 1028 (AB 864) Bates. Powerplants certification local agencies fees.**

Under the existing law, the State Energy Resources Conservation and Development Commission has specified powers and duties dealing with energy resources in this state, including the certification of powerplant sites and related facilities. The existing provisions of the Warren-Alquist State Energy Resources Conservation and Development Act authorize a local agency to request a fee from the commission to reimburse it for the actual and added cost in reviewing, pursuant to designated provisions, notice of intent to file an application for certification of a site or related facilities and an application for certification. The law authorizes the commission to request a fee from the person proposing the project or to devote a special fund in its budget for reimbursement of costs incurred by local agencies.

This bill would authorize a local agency to request reimbursement for permit fees that the local agency would receive but for the operation of designated provisions of the act. The bill would require the commission to either request a fee from the person proposing the project or devote a special fund in the budget for reimbursement of costs incurred by local agencies.

**Ch. 1029 (AB 793) Papan. Savings and loan associations.**

Under existing state law, a savings and loan association is prohibited from carrying upon its books for any person any demand, commercial or checking account, or any credit to be withdrawn upon the presentation of any negotiable check or draft, and is generally prohibited from engaging in a trust business or advertising as a trust company.

This bill would repeal those provisions and would, instead, authorize a savings and loan association to (1) act as trustee, executor, administrator, guardian, or in any other fiduciary capacity in which banks, trust companies, or other corporations are permitted to act under the laws of this state, as specified, (2) issue credit cards, extend credit in connection therewith, and otherwise engage in or participate in credit card operations; and (3) permit the owner of a deposit or account, on which interest or dividends are paid and which consists solely of funds in which the entire beneficial interest is held by 1 or more individuals or by an organization which is operated primarily for religious,

philanthropic, charitable, educational, or other similar purposes and which is not operated for profit, to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties

The existing Savings and Loan Association Law imposes various limitations on loans made by savings and loan associations and specifies the type of security which is required for such loans.

This bill would revise these provisions, as specified.

#### Ch. 1030 (AB 788) Martinez. Crimes

(1) Existing law provides for an Office of Criminal Justice Planning to develop a statewide plan for the improvement of criminal justice activity, to define, develop, and correlate programs and projects, and for various related purposes.

This bill would establish the Gang Violence Suppression Program within the Office of Criminal Justice Planning to provide for financial and technical assistance for district attorneys' offices, as specified.

(2) The bill would become operative only if federal funds are made available.

#### Ch 1031 (SB 1052) Marks. Housing.

(1) Under existing law, the California Housing Finance Agency is authorized to provide financing for low- and moderate-income housing and to insure specified loans made for such purpose, as prescribed. Prior to commitment of financing, each housing sponsor, except with respect to an owner-occupied housing development or mutual self-help housing, is required to submit to the agency an affirmative marketing program.

This bill, instead, would require each housing sponsor to submit an affirmative marketing program prior to the commitment of a mortgage loan, except with respect to mutual self-help housing

(2) Under existing law, the California Housing Finance Agency is authorized to provide financing for housing for persons and families of low and moderate income. Existing law generally defines, for the purpose of this financing, "housing development" as any work or undertaking of new construction or rehabilitation, or the acquisition of existing residential structures in good condition for the primary purpose of providing decent, safe, and sanitary housing for persons and families of low or moderate income. Existing law also includes within that definition housing financed for rental occupancy of, for resale to, or sold to, persons and families of low or moderate income, and the acquisition of a residential structure by a nonprofit housing sponsor, as specified, for the purpose of forming a limited equity housing cooperative, but does not include a work or undertaking financed by a neighborhood improvement loan

This bill would revise the definition of "housing development" to, instead, mean generally any existing structure of 5 or more dwelling units or any work or undertaking of 5 dwelling units or more of new construction or rehabilitation for the provision of housing financed by the agency for the primary purpose of providing decent, safe, and sanitary housing for persons and families of low or moderate income. It would also eliminate from the definition the provisions relative to housing financed for rental occupancy of, for resale to, or sold to, persons and families of low or moderate income, and the acquisition of a residential structure by a nonprofit housing sponsor, whether or not including rehabilitation, for the purpose of forming a limited equity housing cooperative, and it would eliminate specific restrictive provisions relative to neighborhood improvement loans.

(3) Under existing law, "housing sponsor" is defined to include individuals, joint venture, partnership, limited partnership, trust, corporation, local public entity, duly constituted governing body of an Indian reservation or rancheria, or other legal entity, or combination thereof, certified by the agency as qualified to either own, construct, acquire or rehabilitate a housing development whether for profit, nonprofit or limited profit. The definition under existing law also includes persons and families of low or moderate income who are approved by the agency as eligible to own and occupy a housing development and individuals and legal entities receiving property improvement loans through the agency

This bill would redefine "housing sponsor" to include all those entities approved by the agency except entities receiving financing of residential structures which are owner-occupied single unit dwellings. The bill would also delete specific provisions including

within the definition of "housing sponsor" persons and families of low or moderate income who are eligible to own and occupy a housing development and individuals and legal entities receiving property improvement loans.

(4) Existing law defines "market interest," with certain prescribed exceptions, as the interest rate determined by the agency to be the lowest rate generally available in the private market for construction loans, loans for new single-family housing, apartment project loans, or loans on existing housing, as specified

This bill would, instead, define "market interest" to be the interest rate determined by the agency to be the interest rate generally available in the private market for similar housing loans.

(5) Existing law defines "owner-occupied dwelling" to mean a housing development containing not more than 4 residential units, as prescribed but does not include a cooperative housing development or a rental housing development, as specified

This bill would delete those provisions excluding those developments

Existing law defines "residential structure" as any real property improvement used, or intended to be used, for residential or mixed residential and commercial purposes or for commercial purposes, if the agency determines it is an integral part of a residential neighborhood

This bill would recast the definition of "residential structure" as any existing structure of 1 to 4 units or any work or undertaking of 1 to 4 dwelling units of new construction or rehabilitation, for the provision of housing financed for the primary purpose of providing decent, safe, and sanitary housing for persons and families of low or moderate income

The bill would retain, within the definition, structures used for mixed residential and commercial uses, as well as commercial uses if the agency determines it is an integral part of a residential neighborhood

(6) Existing law defines "scattered site rehabilitation area" as an area that is declining and contains some deterioration of residential structures, as determined procedurally by the agency

This bill would delete those provisions

(7) Present law requires the California Housing Finance Agency to establish or require housing sponsors to establish a grievance procedure for resolving disputes between sponsors of housing financed by the agency and tenants.

This bill would limit such requirement to housing developments financed by a mortgage loan from the agency

(8) Under existing law, the agency is required to define each class of housing sponsor and to provide specified requirements

This bill would, instead, require the agency to provide specified requirements for housing developments financed by a mortgage from the agency. The bill would also require rental income from commercial facilities constituting a portion of a housing development or residential structure to assist in the support of appurtenant residential facilities

(9) Under existing law, a housing sponsor of a rental or cooperative housing development that receives a construction or mortgage loan or grant is required to enter into an agreement with the agency concerning profit. Any sponsor of a rental housing development receiving a mortgage loan is required to limit earnings distribution to 6% of equity except a nonprofit housing sponsor or local public entity

This bill would, instead, prohibit any housing sponsor of a rental housing development receiving a mortgage loan from receiving an earnings distribution of more than 6% of equity

(10) Under existing law, the agency is required to ascertain that not less than 25% of the total amounts financed in the prior 12 months were made available to very low-income households and not less than 25% of all units financed by mortgage loans or neighborhood improvement loans are so occupied

This bill would limit such duty of the agency to units financed by mortgage loans.

(11) Under existing law, residential selection plans are required for housing developments to provide preference to specified households

This bill would require residential selection plans for housing developments and residential structures financed by mortgage loans from the agency

(12) Under existing law, the agency is authorized to issue revenue bonds, the revenue

from which may only be used for specified housing developments and other residential structures, when, among other things, the bonds are guaranteed or the mortgage loans insured under designated federal laws.

This bill would authorize the revenue from such bonds to be used, among other things, for housing development and residential structures when the bonds are guaranteed or the mortgage loans guaranteed, insured or coinsured by the federal government.

(13) Under existing law, the agency is authorized to issue revenue bonds, the revenue from which may only be used for specified housing developments and other residential structures when, among other things, the housing developments and other residential structures are financed by tax-exempt bonds for which a bond reserve fund is created which at least equals either the average annual debt service or the maximum annual interest on the bonds issued.

This bill would, instead, authorize the revenue from such bonds to be used for housing developments and residential structures financed by tax-exempt bonds for which a bond reserve fund is created which complies with the terms and conditions of the agreements with agency bondholders.

(14) Under existing law, the agency, as a goal, is required to allocate at least 50 percent of the proceeds of bonds issued pursuant to proceeds of \$300,000,000 of additional bonding authority for loans for new construction or the substantial rehabilitation of housing units for persons of very low income, as specified. Existing law further provides that if the goals of the agency to finance no less than 1,500 units for very low-income households are not possible to achieve, the agency shall report to the Legislature and the Governor the reasons, as prescribed.

This bill would repeal those provisions.

(15) Under existing law, the agency is authorized to make, or undertake commitments to make, development loans, construction loans, property improvement loans, mortgage loans, and advances in anticipation of those loans to housing sponsors to finance housing developments

This bill would additionally authorize the agency to make these loans and advances to housing sponsors to finance residential structures and would prohibit the agency, with respect to those loans, from issuing more than \$200 million of its authorized revenue bond authority in aggregate principal amount of bonds in any one calendar year to finance, directly or indirectly, construction loans for which the agency is not providing a mortgage loan, as prescribed

(16) Existing law authorizes the agency to invest in, purchase, or make commitments to purchase any residential mortgage or any obligation secured by a residential mortgage or participation therein

This bill would additionally allow these loans for the financing and refinancing of residential structures.

(17) Existing law requires that the agency require the seller of obligations, residential mortgages, or participations purchased by the agency to use the proceeds for the purpose of financing housing developments.

This bill would also require that the agency require the seller to use the proceeds for the purpose of financing residential structures.

(18) Existing law authorizes the agency to make loans to qualified mortgage lenders under terms and conditions requiring the proceeds thereof to be used by the mortgage lenders for the purpose of making construction loans and mortgage loans for the purpose of financing housing developments

This bill would also authorize the agency to make loans to qualified mortgage lenders under terms and conditions requiring the proceeds thereof to be used by the mortgage lender for the purpose of financing residential structures

(19) Existing law, with prescribed exceptions, prohibits the agency from making construction loans or mortgage loans for the purpose of financing owner-occupied housing developments unless such loans are made through a qualified mortgage lender

This bill would make this prohibition applicable, instead, to construction loans or mortgage loans for the purpose of financing owner-occupied residential structures

(20) Existing law authorizes the agency, in rural areas, to make and undertake commitments to make construction loans and mortgage loans to finance owner-occupied housing developments, as prescribed

This bill would, instead, authorize the agency, in rural areas, to make those loans for

owner-occupied residential structures, as defined.

(21) Existing law requires that not less than 30% of the combined total units financed by mortgage loans and property improvement loans be made available to very low income households, as prescribed. Existing law also requires that not less than 20% of the units in each housing development be made available on a priority basis to very low income households, as specified.

This bill would additionally require that in housing developments for which the agency provides a construction loan, but not a mortgage loan, not less than 20% of the units must be made available on a priority base to lower income households

(22) The bill would also make conforming changes

Ch 1032 (SB 1034) Maddy. Insurance self-insured employee welfare benefit plan

Existing law provides that no self-insured employee welfare benefit plan shall prohibit the employee from selecting specified health care professionals who are holders of a certificate issued under specified provisions of law

This bill would extend the application of such provision, on and after January 1, 1982, to any person who is the holder of a certificate to practice optometry

The bill would specify that it is not applicable with respect to federally regulated self-insured employee welfare benefit plans, as specified

Ch. 1033 (SB 921) Roberti Energy conservation mortgages

Existing law does not establish a corporation to facilitate financing of energy conservation measures and structural improvements

This bill would establish the Solar Energy Conservation Mortgage Corporation for that purpose. Among other things, the corporation would be authorized to purchase, sell, lend on the security of, and deal in loans or advances of credit made by a financial institution for financing the purchase and installation of energy conservation measures

The corporation would have common stock to be held by member financial institutions. It would have a 7 member board of directors, 4 directors to be elected by the stockholders, and with one member to be appointed by each of the following: the Governor, the State Treasurer, and the Secretary of the Business, Transportation and Housing Agency

The bill would provide that various obligations of the corporation are legal investments for every executor, administrator, trustee, guardian, conservator of a natural person, receiver, fiduciary, public corporation, political subdivision, public instrumentality, charitable institution, educational and eleemosynary institution, bank, savings bank, trust company, financial institution, insurance company, public or private pension fund or profit sharing trust, or cemetery association

Ch 1034 (SB 1230) Campbell. Courts. fees

(1) Existing law sets a fee of \$11 for service of process, the service of various other court documents, or the performance of related services, except in Los Angeles County where these fees remain at \$8.50 until January 1, 1982

This bill would increase those fees to \$14 in all counties

(2) Existing law sets the fee for keeping a vehicle subject to levy at \$20, and sets a fee of \$8.50 when the officer prepares a Not Found Return. The fee for keeping other property is \$35 for an 8-hour period to a maximum of \$70 for 24 hours

This bill would eliminate the separate fee for keeping vehicles, making vehicles subject to the fees for keeping other property, and raise the Not Found Return fee to \$14

(3) Existing law sets the fee for serving an earnings withholding order at \$8.50

This bill would increase that fee to \$14

(4) Existing law does not provide that a prevailing plaintiff shall be allowed \$5 as costs in addition to other costs and that if the action is dismissed or the defendant recovers judgment, the defendant shall be allowed \$5 in addition to other costs

This bill would so provide.

Ch. 1035 (SB 1228) Mello Senior Citizens Shared Housing Program

Existing law does not provide for a Senior Citizens Shared Housing Program whereby

seniors would be assisted to find other seniors with whom they could share existing housing units.

This bill would so provide.

The bill would provide that the program shall consist of pilot projects, which shall be established by nonprofit organizations selected by the Department of Housing and Community Development.

The bill would provide for funds for these projects on an equal matching basis to be expended for staff and office costs and would provide criteria upon which to evaluate the success of the program.

The bill would also require the department to make specified reports on the pilot projects to the Legislature.

This bill would also appropriate \$50,000 to the department for such purposes.

This bill would take effect immediately as an urgency statute and repeal its provisions two years after the commencement of the first pilot project

**Ch. 1036 (SB 1215) O'Keefe. State property in Santa Clara: lease to a nonprofit corporation.**

Existing law generally limits the period for which state-owned personal or real property may be leased to not exceed 5 years.

This bill would authorize the Director of General Services to lease, for a period not to exceed 50 years, certain state property of 4.09 acres, more or less, in the City of Santa Clara, to a nonprofit corporation for the exclusive use of providing a residential facility and related services, as specified, to handicapped persons. Any lease executed pursuant to such provisions is required to be nonassignable, to be subject to review every 5 years, and to include a provision that such lease shall be canceled if permanent facilities are not constructed on the leased land on or before January 1, 1986, or if the lessee-nonprofit corporation is wound up or dissolved prior to expiration of the term of the lease, or if the parcel ceases, for any reason, to be used exclusively for the purposes herein required.

**Ch. 1037 (SB 1260) Alquist. Appropriation: unspecified claims against state.**

This bill would appropriate \$655,169 65 from specified state funds to the State Board of Control to pay claims of the Secretary of the State Board of Control.

This bill would take effect immediately as an urgency statute

**Ch. 1038 (AB 1838) Rosenthal. Maternal, child, and adolescent health**

(1) Existing law establishes a State Child Health Board within the State Department of Health Services. The duties and responsibilities of the board include the oversight of community child health and disability prevention programs

This bill would repeal the provisions establishing the State Child Health Board and would, instead, create the State Maternal, Child, and Adolescent Health Board and prescribe the duties therefor.

(2) Existing law requires each county to appoint a local advisory board to assist in the administration of disability prevention programs.

This bill would repeal these provisions and would, instead, require a local maternal, child and adolescent health board to assist in the administration of the programs

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

**Ch. 1039 (AB 737) Torres. Medi-Cal long-term care facilities**

Existing law provides for the Medi-Cal program under which basic health care is provided to specified categories of recipients

Existing law does not preclude the State Department of Health Services from requiring specified long-term care facilities providing services under the Medi-Cal program

to submit monthly bills for those services.

This bill would preclude the department from imposing this requirement if a facility meets specified conditions.

The bill would further provide that if these conditions are met by a facility, the fiscal intermediary for the Medi-Cal program shall, by the 20th of each month, mail a preimprinted claim to the long-term care facility which shall cover the current month's services to the Medi-Cal recipient.

The bill would provide that the facility shall check the preimprinted claim for accuracy and notify the fiscal intermediary as to changes in a recipient's Medi-Cal status.

The bill would further provide that the preimprinted claims must be returned within 2 months of the time when the actual services have been performed if the claim is not to be deemed as a late submission, and that long-term care facilities shall be assessed a one-time charge not to exceed \$50 per facility to cover costs for implementing the change in procedure set forth in this act

Existing law further provides for contracts between the State Department of Health Services and Medi-Cal fiscal intermediaries and sets forth requirements for the manner in which such contracts are to be drafted and described in reports to the Legislature. Existing law also provides that the Secretary of the Health and Welfare Agency shall be responsible for oversight of State Department of Health Services management of contracts for fiscal intermediary services awarded by the department

This bill would require the Secretary of the Health and Welfare Agency to oversee the contract for fiscal intermediary services awarded by the department to Computer Sciences Corporation and would require that the director of the department confer with the secretary of the agency regarding the progress made in implementing the contract.

This bill would further provide for a contract between the department and a qualified systems engineering firm which would monitor, as specified, contract compliance by Computer Sciences Corporation. This bill would specify certain circumstances under which all applicable penalties shall be evoked against Computer Sciences Corporation by the Secretary of Health and Welfare and would specify circumstances under which a subsequent fiscal intermediary monitoring contract may be entered into.

This bill would provide that funds for implementation of the fiscal intermediary portions of this act shall be paid from funds appropriated from the 1981 Budget Act to the State Department of Health Services, including funds for support of the Fiscal Intermediary Management Division of the department. All other funds for carrying out these provisions shall be paid from moneys appropriated for the Fiscal Intermediary Unit for the State Department of Health Services in the Budget Act for fiscal year 1981-82, however, none of those funds could be encumbered until written notification, as specified, is provided to the Chairman of the Joint Legislative Budget Committee.

Ch 1040 (SB 735) Mello. Coastal resources: urban waterfront restoration.

(1) Existing law authorizes the State Coastal Conservancy to apply for and accept federal grants and to receive other financial support from public and private sources and to make grants for various projects in the coastal zone

This bill would enact the Urban Waterfront Restoration Act of 1981. It would require the conservancy to administer the act, to adopt guidelines and criteria for administration, and to coordinate the activities of state and federal agencies having programs affecting urban waterfronts. The bill would require the conservancy to propose projects and programs for federal grants under the Coastal Zone Management Improvement Act and would require the California Coastal Commission to forward the project proposals to the Department of Commerce as an application for funding. The bill would authorize the conservancy to make grants to local public agencies and nonprofit organizations for urban waterfront restoration projects and plans. The conservancy would be authorized to enter into options to purchase lands included in a project when necessary to reserve the lands if the option cost does not exceed \$100,000

(2) The bill would appropriate \$50,000 from the California Environmental License Plate Fund to the conservancy to prepare and disseminate a report on California's urban waterfronts. It would prescribe the content of that report, and provide for the submittal of an interim report to the Legislature

Ch 1041 (SB 323) Johnson. Sacramento historical museum: Mount Shasta Fish Hatchery.

(1) Existing law provides for the granting of the state's interest in a specifically described parcel of land which is part of the Old Sacramento State Historic Park to the City of Sacramento on which an historical museum is to be constructed.

This bill would revise the description of the parcel to be granted.

(2) The bill would authorize the Director of General Services, with the consent of the Department of Fish and Game, to lease a portion of the Mount Shasta Fish Hatchery, commonly known as Building A, to the Mount Shasta Chamber of Commerce for a term not to exceed 25 years for operation as an historical museum and for environmental educational purposes, and make legislative findings in that connection

The bill would also appropriate \$80,000 from the California Environmental License Plate Fund to the Department of Fish and Game for allocation to the Mount Shasta Chamber of Commerce for renovation and restoration of Building A

Ch 1042 (AB 649) Bates Mental health. Short-Doyle Act.

(1) Under existing law, negotiated net amounts may be used as the cost of services in a Short-Doyle contract and are financed on the basis of 90% state funds and 10% other than state or federal funds until July 1, 1982, and on and after July 1, 1982, are financed on the basis of 85% state, 5% county and 10% other than state or federal funds

This bill would delete these requirements and thereby require negotiated net amounts to be financed under the county-state Short-Doyle formula except for contracts that provide for the delivery of 75% or more of the total county Short-Doyle annual plan, in which case the contracting organization would be required to bear the county financial share for the portion of the county program covered by the contract.

(2) Under existing law, until July 1, 1983, negotiated net amounts may be used as the cost of services in a contract which provides for the delivery of all or part of the total county Short-Doyle annual plan for each fiscal year and negotiated rates may be used in contracts by providers with the county On and after July 1, 1983, negotiated net amounts may only be used as the cost of services in a contract which provides for the delivery of 75% or more of the total county Short-Doyle annual plan for each fiscal year and negotiated rates may only be used as the cost of services in contracts with providers whose gross Short-Doyle contract with a county is not more than \$150,000 per annum.

This bill would delete the limitations on the use of negotiated net amounts and negotiated rates which are to become operative July 1, 1983, and thereby continue the existing law in the use of such negotiated net amounts and negotiated rates in existence indefinitely

Ch 1043 (SB 776) Ellis. Crimes.

Under existing law, pimping and pandering are felonies punishable by imprisonment for 2, 3, or 4 years Certain conduct with respect to the use of a minor under the age of 16 in connection with designated commercial activity involving sexual conduct is also a felony, punishable by imprisonment for 3, 4, or 5 years

This bill would increase the punishment for pimping and pandering in cases involving persons under 14 years of age to 3, 6, or 8 years, as specified It also would provide that the use of minors under the age of 14 in connection with designated commercial activity involving sexual conduct is a felony punishable by imprisonment for 3, 6, or 8 years It would prohibit probation or suspension of sentence with regard to any person convicted of such an offense involving a person under the age of 14

It also would make it a felony to give, transport, provide, or make available a child under 14 for the purpose of any lewd or lascivious act, as specified, and prohibit the probation or suspension of the sentence of a person convicted thereof

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

It also would take effect immediately as an urgency statute



**Ch. 1044 (AB 817) Papan. Special education.**

(1) Existing law provides for the availability of special classes and centers for individuals with exceptional needs when the nature or severity of the disability precludes their participation in the regular school program for the majority of the schoolday. The county superintendent currently is required to include the average daily attendance of children in these classes in determining the district's total revenue limit.

This bill would specifically require that the average daily attendance for these special classes and centers shall be reported by the county superintendent, but require that it be credited to the district in which the pupil resides for revenue limit purposes.

(2) Existing law requires school districts which submit a local plan for the education of individuals with exceptional needs to establish a community advisory committee. The responsibility of this committee includes, among other things, assisting in parent education regarding the education of individuals with exceptional needs, and assisting in the recruiting of parents and other volunteers to help implement the local plan.

This bill would eliminate duplicate provisions respecting the above responsibilities. The bill would also authorize a surrogate parent, as defined, to represent an individual with exceptional needs in matters relating to the provision of a free appropriate education to the individual. In addition, the bill would provide for a committee of representatives of special and regular teachers which, with input from the community advisory committee, would develop and update the local plan for special education.

(3) The law currently requires the governing board of a school district maintaining a junior or senior high school to adopt standards of proficiency in basic skills. It requires the governing board to adopt differential standards for specified pupils, including pupils in special education classes. These differential standards must be included in a pupil's individualized education program (IEP).

This bill would require that the IEP include the determination of the IEP team as to whether differential proficiency standards shall be developed for the pupil. If differential proficiency standards are developed, the IEP would include these standards.

(4) Under existing law licensed children's institutions, as defined, provide nonmedical residential care to children, including, but not limited to, individuals with exceptional needs.

This bill would repeal those provisions July 1, 1982, and add provisions concerning licensed children's institutions and foster family homes, as defined, applicable only to certain individuals with exceptional needs, effective July 1, 1982. This bill would require that a description of those services be included in the local plan submitted by a county office or special education services region.

This bill would also add provisions concerning individuals with exceptional needs who are placed in specified hospitals or a medical facility for other than educational purposes. The bill would require that a description of the process for coordinating and providing services for these individuals be included in the local plans submitted by a special education services region or county office.

(5) This bill would make technical, nonsubstantive changes and corrections in the current law.

This bill incorporates additional changes in Section 56194 of the Education Code, proposed by AB 1055, to be effective only if AB 1055 and this bill are both chaptered and become effective January 1, 1982, and this bill is chaptered last.

This bill also incorporates additional changes in Sections 56362, 56365, 56505, and 56775 of the Education Code, proposed by SB 769, to be effective only if SB 769 and this bill are both chaptered and become effective January 1, 1982, and this bill is chaptered last.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming those costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore,

the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

**Ch. 1045 (SB 1182) Boatwright Elections.**

(1) Existing law requires the secretary of a resident voting district to deliver to the county clerk, at least 110 days prior to its general election, a map showing district or division boundaries.

This bill would, in order to accommodate the above delivery date, require a district which holds its general district election on the first Tuesday after the first Monday in November of each odd-numbered year, to complete boundary changes by the 120th day prior to the election.

(2) Existing law specifies various deadlines for the submission of measures and for the conduct of a special election for the purpose of filling a vacancy created by a recall election with respect to certain local governments.

This bill would make minor revisions with respect to these deadlines.

(3) Under existing provisions governing irrigation districts, the law generally allows a district to revise its boundaries not less than 90 days before an election.

This bill would allow for the revision of boundaries to occur not less than 120 days, rather than 90 days, before an election.

(4) Existing law allows a district governed by the California Water District Law to increase the number of directors to 7, 9, or 11.

This bill would allow this increase to occur not less than 120 days before a general district election.

(5) Existing law provides for the qualification of a petition to amend or repeal the charter of a city or city and county and the manner of submission of the proposal to a vote of the electors.

This bill would revise those provisions.

**Ch. 1046 (SB 1131) Rains Trusts**

Existing law relative to trusts provides that a discretionary power conferred upon a trustee may be controlled by a court if not reasonably exercised, unless an absolute discretion is clearly conferred by the declaration of trust.

This bill would specify that a trustee who has been granted absolute, sole, or uncontrolled discretion shall act in accordance with fiduciary principles and shall not act in bad faith or in disregard of the purpose of the trust. It would also require that a person who is a beneficiary of a trust who holds a power to take or distribute income or corpus to or for his or her benefit pursuant to a standard shall exercise the power reasonably and in accordance with the standard notwithstanding the trustor's inclusion of terms such as "absolute", "sole", or "uncontrolled"; and would also provide that in certain cases the holder of such a power may use it in his or her favor only under designated circumstances subject to judicial review. It also would prohibit a person who holds a power to appoint or distribute income or principal to or for the benefit of others from using the power to discharge his or her obligations unless specifically so authorized.

**Ch. 1047 (SB 1172) Ellis Mobilehomes escrow accounts.**

Existing law requires every new or used mobilehome dealer, upon the purchase of a new or used mobilehome, as specified, to establish an escrow account into which is deposited any cash or cash equivalent received from the buyer at any time prior to delivery as whole or partial payment for the mobilehome or any accessories to the mobilehome. Existing law also provides that the escrow shall terminate and a full refund shall be made to the buyer within 120 days from the effective date of the contract unless delivery is made within that period. Existing law further permits the parties to the contract to mutually consent to extend the time in writing for 30-day periods with notice to the escrow agent.

SB 1193 would, if chaptered, repeal and reenact provisions regulating the sale of mobilehomes, including provisions relating to the deposit in escrow of receipts from the buyer prior to delivery.

This bill would repeal certain of the provisions of SB 1193 relating to that escrow and add provisions which require the establishment of an escrow account into which is deposited the cash or cash equivalent received by the dealer prior to delivery as a deposit, downpayment, or whole or partial payment for a mobilehome or accessory thereto, require identification of the amounts of the deposit, downpayment, and balance

due, and would provide, among other things, for termination of the escrow at a time mutually agreed upon, which may be extended by mutual consent. The bill would limit the amount to be held in escrow in case of a dispute to the amount of the designated deposit unless otherwise specified in the escrow instructions.

The bill would specify the contents of the deposit receipt for the sale of mobilehomes subject to registration, including a requirement that warranties for 12 foot in width or wider mobilehomes contain specified liability provisions and the terms of other warranties be provided.

The bill would make other conforming changes.

SB 1193 would also, if enacted, provide as part of damages for a specified breach by the seller that the recovery may include costs reasonably incurred by the buyer which are proximately caused by the utilization of the cash equivalent as downpayment.

This bill would delete that damage provision.

**Ch. 1048 (SB 1168) Nielsen. Edgerly Island Reclamation District.**

Under existing law, reclamation districts are not generally authorized to provide for the disposal of sewage and waste.

This bill would authorize the Edgerly Island Reclamation District to provide for the disposal of sewage, industrial waste, or other waste and to provide for sewage treatment works. The bill would make legislative findings in this connection.

The bill would take effect immediately as an urgency statute.

**Ch. 1049 (SB 1152) Beverly. Courts: filing fees.**

Existing law provides for a \$12 filing fee with respect to subsequent papers in a probate action which require a court hearing, with specified exceptions, and with respect to a notice of motion or any other paper requiring a hearing subsequent to the first paper in a civil action.

This bill would exempt specified papers from such fees.

**Ch. 1050 (SB 554) Montoya. Energy conservation measures.**

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, a credit of a specified amount of the cost of an energy conservation measure is allowed to the owner, as defined, of premises in California who installs the measure.

This bill would make a technical and supplemental change in those tax credit provisions.

This bill would make additional changes in Sections 17052.8 and 23601.5, Revenue and Taxation Code, proposed by AB 784, to be operative only if AB 784 and this bill are both chaptered, and this bill is chaptered after AB 784.

The bill would take effect immediately as a tax levy.

**Ch. 1051 (SB 439) Davis. Weapons.**

Existing law prohibits the carrying of concealed or loaded firearms, as defined, except as specified.

This bill would include in these prohibitions any rocket, rocket propelled projectile launcher or similar device containing any explosive or incendiary material whether or not such device is designed for emergency or distress signaling purposes, except as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 1052 (SB 415) Keene. Workers' compensation state employees' waiting period.**

Existing law provides that no workers' compensation disability payment is recoverable for the disability suffered during the first 3 days after the employee leaves work as a result of the injury, with a specified exception.

This bill would provide an additional exception that in the case of state civil service

and higher education employees, the disability payment shall be made from the first day the injured employee leaves work if the injury is the result of a criminal act of violence against the employee.

Ch. 1053 (SB 395) Foran. Transportation. financing: toll bridges

(1) SB 215 would increase the allocation of the gas tax revenues to the counties and cities during the 1982-83 fiscal year by \$100,000,000, if the gas tax and diesel tax rates are to be imposed at the rate of 9¢ per gallon commencing January 1, 1983

This bill would specify that the allocation of a 4.39¢ portion of the increased gas tax and diesel tax to the counties and cities, commencing July 1, 1983, is also subject to the same condition

These provisions would be operative only if SB 215 is chaptered.

(2) Existing law establishes a permanent revolving fund of \$50,000 for the use and support of the California Transportation Commission for duties relating to toll bridges.

This bill would eliminate the permanent revolving fund

(3) Existing law requires the cost of the investigation and study of a crossing south of the San Francisco-Oakland Bay Bridge to be repaid to the Revenue Fund of the San Francisco-Oakland Bay Bridge, and similar cost of a crossing across San Francisco Bay from San Francisco to Angel Island and Tiburon Peninsula to be repaid to the General Fund, from revenue bonds issued for the crossing.

This bill would transfer from the State Highway Account in the State Transportation Fund to the unappropriated surplus of the General Fund an amount sufficient to reimburse the General Fund for the costs of investigation and study of the crossing from San Francisco to Angel Island and Tiburon Peninsula

The bill would repeal the other repayment requirements.

Ch 1054 (SB 379) Russell Criminal offenders.

Under existing law it is unlawful (1) for any person to assist any judicially committed or remanded patient of a state hospital to escape, attempt to escape, or to resist being returned after a leave of absence; (2) for a person committed to a public or private institution as a mentally disordered sex offender to escape from the institution or while being conveyed to or from the institution, or (3) for a person who has been committed to a state hospital as not competent to stand trial to escape between the time he or she becomes competent but prior to his or her return to the custody of the sheriff

This bill would delete (3) above, and make it unlawful for a person committed to a state hospital or other public or private mental health facility, after being found not guilty by reason of insanity or being found not competent to stand trial, to escape from the facility or to escape while being conveyed to or therefrom. It would specify that the term of imprisonment imposed for a violation of the aforementioned provisions as well as for a violation of (2) above, shall be served consecutively to any other sentence or commitment

It would also make it a crime for any person to assist any judicially committed or remanded patient of any public or private mental health facility to escape, attempt to escape, or to resist being returned after a leave of absence

It would require the person in charge of any facilities from which any such persons escape to notify designated law enforcement agencies, as specified

It also would make technical changes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1055 (SB 572) Mills Transportation

(1) The Mills-Alquist-Deddeh Act requires apportionments in areas served by a public transportation system in counties with a population of 500,000 or more, as determined by the 1970 decennial census, to be available solely for claims for transit and related purposes, but excludes counties with more than 4,500 miles of maintained county roads

This bill would exclude counties with more than 4,500 miles of maintained county roads as of 1970. In the County of Riverside, the apportionment area would be the area within the jurisdiction of the transit operator established by the joint exercise of powers as the area existed on January 1, 1981.

(2) Under the act, money may be allocated for the construction of facilities for the exclusive use of pedestrians and bicycles.

This bill would specify that facilities for the use of bicycles may include projects serving commuting bicyclists.

(3) Under the act, up to 10% of the money in the local transportation fund for the area under the jurisdiction of the San Diego Metropolitan Transit Development Board, after allocation for administrative cost and bicycle and pedestrian facilities, is allocated to the board to carry out its administrative and planning powers, duties, and functions.

This bill would authorize the board to also use the allocation for its construction and acquisition programs.

(4) The act authorizes allocation of funds for community transit services until July 1, 1982.

This bill would extend the July 1, 1982, repeal date to January 1, 1983.

(5) Existing law requires operators receiving funds under the act to meet fare revenues to operating cost ratios.

This bill would consider all the operators providing service within the area under the jurisdiction of the San Diego Metropolitan Transit Development Board as a single operator. The bill would require the areawide ratio of fare revenues to operating costs to be not less than that ratio for the 1978-79 fiscal year in order to be eligible for funds under the act. New operators, for the first 2 years, would be authorized to claim no more than 75% of their total operating cost for that year.

(6) Under the act, an operator is required to use 15% of the fund allocated under the act for capital expenditures.

This bill would include the vehicle cost portion of a vehicle lease as a capital expenditure.

(7) Under the act, an extension of public transportation services is not subject to fare revenue to operating cost ratios during its first year of implementation.

This bill would increase the exemption to 2 years and would define the term "extension of public transportation services" for those purposes.

(8) Under that act, transportation planning agencies are authorized to adopt rules and regulations to delineate procedures for the submission of claims by operators and to state criteria by which the claims will be analyzed and evaluated.

This bill would require the San Diego Metropolitan Transit Development Board to adopt rules and regulations for its area of jurisdiction and the transportation planning agency would be authorized to include in its rules and regulations any rule and regulation of the transit development board.

(9) Under that act, allocations to counties and cities where the funds may be allocated for local street and road purposes for a particular transportation purpose are generally limited to 50% of the amount required to meet the county's or city's total expenditures for the particular purpose, with several specified exceptions.

This bill would exempt from this 50% limitation funds allocated for local street and road purposes, effective only until July 1, 1984.

(10) Existing law requires all fines and forfeitures, with specified exceptions, to be distributed monthly to counties and cities as specified.

This bill would require a monthly transfer of an amount equal to 8% of fines and forfeitures relating to specified violations relating to the San Diego Metropolitan Transit Development Board to the board and the remaining 15% to the general fund of the county.

(11) Existing law prohibits any person from driving any vehicle or animal, or stopping, parking, or leaving any vehicle or animal, on the grounds of specified government entities without the permission of the governmental entity.

This bill would include transit development boards and harbor districts among the enumerated governmental entities. The bill would also prohibit operating any bicycle or motorized bicycle, or riding or propelling any skateboard or roller skates, or stopping, parking, or leaving any bicycle or motorized bicycle, on the grounds of those entities.

(12) Existing law authorizes the Department of Transportation and local authorities

to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles.

This bill would authorize a local authority to authorize or permit a portion of a highway under its jurisdiction to be used exclusively for a public mass transit guideway

(13) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for specified reasons.

(14) The bill would incorporate additional changes in Section 99234 of the Public Utilities Code made by SB 445, to be operative if both bills are chaptered and this bill is chaptered last

#### Ch. 1056 (SB 331) Stiern. Pornography.

Existing law prohibits as felonies various acts relating to the commercial exhibition and distribution of obscene matter which depicts a person under the age of 18 years engaged in or simulating various sexual acts

This bill would make it unlawful for any person to knowingly develop, duplicate, print, or exchange any film, photograph, video tape, negative, or slide in which a person under the age of 14 years is engaged in an act of sexual conduct, as defined. A first violation would be a misdemeanor punishable by a fine of not more than \$2,000, or imprisonment in the county jail for not more than one year, or both. A subsequent violation or a violation after a prior violation of other obscenity laws would be a felony punishable by imprisonment in the state prison for 16 months or 2 or 3 years.

The activities of law enforcement and prosecution agencies, medical, scientific, and educational and other specified activities, and lawful conduct between spouses would be exempted.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch 1057 (AB 2266) Greene. Horseracing: racing weeks license fees.

(1) Existing law authorizes the California Horse Racing Board to allocate racing weeks having a minimum of 5 racing days. In addition to other allocations, the board is authorized to allocate an additional 12 weeks of harness racing and an additional 12 weeks of quarter horse racing to a lessee of the California Exposition and State Fair to be raced at the California Exposition and State Fair in Sacramento.

This bill would authorize the board to allocate racing weeks of less than 5 racing days to the lessee of the California Exposition and State Fair conducting the additional 12 weeks of harness racing or the additional 12 weeks of quarter horse racing. These provisions would be repealed January 1, 1984, unless a later enacted statute which is chaptered prior to January 1, 1984, deletes or extends that date

(2) Existing law requires every harness racing association which conducted its racing meeting in a single continuous period prior to January 1, 1979, and thereafter conducts a split racing meeting to pay a reduced daily license fee based upon its daily conventional and exotic parimutuel handle in accordance with a prescribed schedule

This bill would also apply the above license fee provisions to any transferee or successor or subsequent transferee or successor of the business or assets of such a harness racing association

#### Ch 1058 (AB 932) Kapiloff. Hemodialysis technicians

Existing law requires the State Department of Health Services to authorize unlicensed persons who are employed as hemodialysis technicians in licensed clinics or hospitals to perform venipuncture and arterial puncture for the purpose of providing dialysis treat-

ment for patients, if such unlicensed persons meet minimum training standards developed by the department

This bill would delete such provisions and would require the State Department of Health Services to adopt rules and regulations prescribing the minimum training standards for persons employed as hemodialysis technicians, as defined

The bill would require each dialysis clinic or unit within a hospital or clinic, as defined, to make available to the department its training program and test, as specified, for the department's review and approval and would prohibit any dialysis unit from training hemodialysis personnel until a training program and test has been approved. The bill would require persons who are employed as hemodialysis technicians on the effective day of the act to pass a test, as specified, within one year of the effective date of this bill or have their employment terminated. The bill would authorize these persons to perform venipuncture and arterial puncture during that one year.

The bill would authorize the department to revoke or suspend the license of any clinic, hospital, or dialysis clinic or unit for any violation of the provisions of this act

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 1059 (AB 1415) Rosenthal. Health pilot projects.**

(1) Existing law requires the Director of Health Services to contract with institutional providers, counties, or other organizations to establish pilot programs, for a specified duration, which demonstrate the value, or lack of value, of programs in delivering or financing health care services for Medi-Cal recipients. Existing law further authorizes the director to extend the duration of the pilot program, in certain instances, until such evaluation or permanent implementation can be accomplished, for a term not in excess of 6 months, but the extension may be renewed for additional 6-month terms.

This bill would extend the duration for a term not in excess of 1 year, and would permit renewal for additional 1-year terms, provided the director has completed an evaluation that would qualify an extension.

The bill would also require the director, upon a finding that the pilot program contributes substantially to the availability of high quality health care services and that such services are cost effective, to enter into a 3-year contract to renew the program.

(2) Under existing law, the State Department of Health Services is authorized to continue a Medi-Cal pilot program comparing patient treatment profiles and prior authorization as controls of overutilization in Fresno County and other areas determined by the director until June 30, 1982.

This bill would require those pilot programs to be continued until June 30, 1985.

**Ch. 1060 (SB 1012) Montoya. Wages, hours, and working conditions**

Existing law permits the Industrial Welfare Commission to fix the minimum wages, maximum hours, and standard conditions of labor for any occupation, trade, or industry in this state

This bill would permit an employer who has had in operation an established preexisting workweek arrangement, as defined, to file a petition with the commission and with the Labor Commissioner for review and modification of an applicable order of the commission. Upon receipt of the petition by the commissioner, a stay of enforcement of the applicable commission order as it would affect the workweek arrangement would take effect. Within 3 months of the stay, the Labor Commissioner would be required to certify the preexisting workweek arrangement, upon finding specified conditions are met, in which case the stay of enforcement would continue until modified or rescinded by the commission.

This bill would prohibit the Labor Commissioner from diverting the resources of the Division of Labor Standards Enforcement for the purpose of investigating, prosecuting, or acting upon specified alleged violations of the commission's daily overtime orders during any period in 1980 when a court-issued stay of enforcement was in effect for these

orders.

This bill would also provide the Labor Commissioner with access to all pertinent records of the petitioning employer, and with the authority to converse with affected employees of the employer without the presence of management, when examining a petition for certification to the commission.

**Ch. 1061 (AB 1882) Agnos. Child care and development: administrative review.**

Under existing law there is no administrative appeal procedure to review and resolve disputes between the State Department of Education and agencies providing child care and development services through contract with the department.

This bill would establish an administrative appeals procedure under certain circumstances for those agencies, to be administered and conducted by the Office of Administrative Hearings

This bill would repeal these provisions June 30, 1985

The bill would also declare legislative intent that funding for the bill's implementation be provided through the regular budget process.

**Ch. 1062 (SB 588) Rains. Crimes: investigation and prevention.**

Under existing law, the Commission on Peace Officer Standards and Training is required to prepare guidelines establishing standard procedures which may be followed by police agencies in the investigation of sexual assault cases and to prepare and implement a course for the training of specialists in the investigation of these cases. The Office of Criminal Justice Planning also is required to establish an advisory committee to develop a course of training for district attorneys in the investigation of such cases, and to provide grants to proposed and existing local rape victim counseling centers, as specified.

This bill would make the foregoing provisions relating to the development of investigation procedures and training also applicable to cases involving the sexual exploitation or sexual abuse of children. It also would require the Office of Criminal Justice Planning to provide grants to proposed and existing local child sexual exploitation and child abuse victim counseling centers

It would state that it is the intent of the Legislature that the costs incurred as a result of the enactment of the bill shall not be funded by General Fund moneys.

**Ch 1063 (SB 613) Johnson. Architecture**

Existing law provides that a certificate of architecture may be renewed at any time within 5 years after it has expired upon the filing of an application with the California State Board of Architectural Examiners and payment of the renewal fee and provides that if renewed more than 30 days after it has expired the certificate holder is required to pay the delinquency fee, as specified, as a condition of renewal of the certificate.

This bill would apply the condition of payment of a delinquency fee as a condition of renewal to registered building designers and also would state that a registration may be renewed at any time after expiration upon payment of the renewal fee

The bill would appropriate \$243,416 from the California State Board of Architectural Examiners Fund to the California State Board of Architectural Examiners in augmentation of a specific item in the Budget Act of 1981 to meet contingencies and emergencies for the remainder of the 1981-82 fiscal year

Existing law provides that all money collected pursuant to the provisions of law regulating the practice of architecture is to be deposited in the California State Board of Architectural Examiners Fund and that such fund is continuously appropriated to the board to carry out such provisions.

The fees provided by this act would result in an increase in such fund

**Ch 1064 (SB 586) Joint Committee for Revision of the Penal Code. Crimes sex offenders**

(1) Existing law specifies a term of imprisonment in a state prison of 3, 5, or 7 years for a person who, by use of force, violence, duress, menace, or threat of great bodily harm, and against the will of the victim, willfully and lewdly commits any lewd or lascivious act, as specified, upon a child under 14 years

This bill would specify a term of imprisonment for such crime of 3, 6, or 8 years and



would delete the requirement that the act, when accompanied by force, violence, duress, menace, or threat of great bodily harm, be against the will of the victim.

(2) Existing law prohibits as crimes the commission of various acts of sexual conduct and sexual assault performed upon children.

The bill would define terms and make related changes in provisions concerning punishment for sexual offenses. The bill would prohibit the granting of probation for persons convicted of certain sexual crimes against children in specified circumstances.

(3) The bill would incorporate additional changes proposed in Section 1203.065 of the Penal Code by Senate Bill 776 which would become operative if this bill and Senate Bill 776 are both chaptered and become effective on or before January 1, 1982, and this bill is chaptered last.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 1065 (SB 628) Presley. Firearms. loaded

Existing law authorizes the carrying of a loaded firearm by a person who reasonably believes it is necessary for the preservation of a person or property which is in immediate danger.

This bill would define "immediate" as the brief interval before and after the local law enforcement agency, when reasonably possible, has been notified of the danger and before the arrival of its assistance, and would also require the danger to be grave.

This bill would incorporate additional changes in Section 12031 of the Penal Code proposed by AB 846 if both bills are chaptered and become effective on or before January 1, 1982, and this bill is chaptered last.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch 1066 (SB 684) Mello. Coastal zone agricultural lands: permits: visitor-serving facilities time-sharing.

(1) The California Coastal Act of 1976, generally, provides for the planning and development of the coastal zone, as defined, which shall be based on various coastal resources planning and management policies set forth in the act. These policies, among other things, provide for maintaining prime agricultural land in agricultural production to assure the protection of the area's agricultural economy, and requires that conflicts are to be minimized between agricultural and urban land uses through various designated methods.

This bill would include a provision, within those designated methods, permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with a designated coastal resources planning and management policy of the act, dealing with locating developments.

(2) The act requires, with prescribed exceptions, any person who is to perform or undertake any development to obtain a coastal development permit authorizing such a development, which is required to be in conformity with these policies.

The bill would exempt from these permit requirements any conversion of an existing hotel, motel, or similar visitor-serving facility to a time-share project, estate, or use, as defined, which meets the prescribed criteria. It would provide for the payment of a prescribed fee upon such conversion. The money would be deposited into the State Treasury to the credit of the State Parks and Recreation Fund, and made available for expenditure, when appropriated, by the Department of Parks and Recreation for the construction of, and conversion of existing structures to, hostel facilities within the

coastal zone pursuant to designated provisions.

**Ch. 1067 (SB 723) Greene. Health planning.**

Existing law requires certain projects relating to health planning to obtain a certificate of need issued by the Office of Statewide Health Planning and Development, after a prescribed review, before such projects can be undertaken. Existing law exempts from that requirement, and requires the department to issue a certificate of need to, certain projects (1) which are necessary solely to replace health care services that are no longer available at the facility because of a disaster, (2) which exist solely for the purpose of complying with requirements of law or regulations, or (3) which were the subject of an application submitted to an area health planning agency prior to a prescribed date.

This bill would, additionally, exempt from those requirements projects which are for a pediatric freestanding outpatient hemodialysis unit operated under an associational agreement with a university medical school renal transplant and dialysis program and which would be used exclusively for the provision of outpatient dialysis services to children, as prescribed.

This bill would also delete certain obsolete provisions.

**Ch. 1068 (SB 796) Ayala Transportation: public transportation funding.**

Under the Mills-Alquist-Deddeh Act, an operator serving an urbanized area which was not required, during the 1978-79 fiscal year, to comply with the requirement that funds allocated to it under the act do not exceed 50% of its operating budget, in order to be eligible for funding under the act, may be allocated funds during any fiscal year if the operator maintains for the fiscal year (a) a ratio of fare revenues to operating cost at least equal to  $\frac{1}{5}$  or to the ratio it had during the 1978-79 fiscal year, whichever is greater, and (b) the ratio of fare revenue and local support to operating cost it had during the 1978-79 fiscal year if the ratio is greater than  $\frac{1}{5}$ . If the operator serves a nonurbanized area, it may be allocated funds if it maintains a ratio of fare revenues to operating cost at least equal to  $\frac{1}{10}$  or to the ratio it had during the 1978-79 fiscal year, whichever is greater. An operator providing services using vehicles for the exclusive use of elderly and handicapped persons may be allocated funds if it maintains a ratio of fare revenues to operating cost at least equal to  $\frac{1}{10}$  or to the ratio it had during the 1978-79 fiscal year, whichever is greater.

This bill would allow, commencing with the 1980-81 fiscal year, notwithstanding the above provisions, an operator in any county with more than 4,500 miles of maintained county roads as of 1970 to reduce its ratio of fare revenues to operating cost by the proportion of its revenues from elderly and handicapped passengers to its total revenues without affecting eligibility for funds under the act, except that the ratio may not be less than one-tenth.

The provisions of the bill would be repealed on June 30, 1982, unless a later enacted statute, which is chaptered before June 30, 1982, deletes or extends that date

**Ch. 1069 (SB 688) Presley. Courts. Riverside County.**

Existing law provides for the duties and compensation of a superior court commissioner in Riverside County

This bill would authorize the appointment of 4 such commissioners, authorize additional duties for such a commissioner, and authorize such a commissioner to receive travel expenses, as specified.

Existing law provides for one municipal court judge in the Three Lakes Judicial District.

This bill would increase the number of municipal court judges in the Three Lakes Judicial District from 1 to 2, operative January 1, 1983.

Existing law provides for 5 municipal court judges in the Riverside Judicial District.

This bill would increase the number of municipal court judges in this district from 5 to 6 operative January 1, 1983.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 1070 (SB 862) O'Keefe. Computer parts.**

Existing law makes it a misdemeanor to knowingly buy, sell, receive, dispose of, conceal, or possess various items from which the manufacturer's nameplate, serial number, or other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed.

This bill would add integrated chips and panels, printed circuits and other computer parts to the items from which it is an offense to remove or otherwise alter such marks and would make the offense a felony punishable by imprisonment in the county jail or state prison when the value of any integrated chip exceeds \$400.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 1071 (SB 813) Garamendi. Public works contracts: historic restoration projects.**

Under the State Contract Act, the Department of General Services may, generally, authorize the carrying out of a construction, alteration, repair, or improvement project by the state agency concerned with the project, if the department determines that the nature of the work is such that its services are not required, if the cost of the project does not exceed \$200,000, and provided that the amount of work performed by day labor may not exceed \$35,000.

This bill would authorize a project, determined by the Director of General Services and the Director of Parks and Recreation, jointly, to be an historic restoration project for the state park system, to be carried out by the Department of Parks and Recreation, and not subject to those limitations.

The bill would authorize the Director of General Services to permit the Department of Parks and Recreation to carry out the work by day labor if the Director of General Services determines, in consultation with the Director of Parks and Recreation, that the award of a contract or the acceptance of bids is not in the best interests of the state. The Department of Parks and Recreation would be required to establish criteria to be considered in requesting authorization from the Director of General Services to perform all or part of an historic restoration project by day labor.

**Ch. 1072 (SB 616) Keene. Dogs.**

(1) Under existing law, it is unlawful to permit or allow a dog to pursue any big game mammal during the closed season on the mammal, to pursue any fully protected, rare, or endangered mammal at any time, or to pursue any mammal in a game refuge or ecological reserve if hunting within the refuge or reserve is unlawful. Department of Fish and Game employees may capture any dog not under the reasonable control of its owner or handler if the dog is pursuing an animal in violation of the above-stated provisions. Existing law also permits department employees to seize or dispatch any dog inflicting injury or threatening to inflict injury to any animal in the above-stated categories.

This bill would provide that, whenever a department employee is not present to seize or dispatch any dog inflicting injury or immediately threatening to inflict injury to any deer, elk, or prong-horned antelope during the closed season on these animals, any property owner, lessee, person holding a permit for the purpose of grazing livestock, or his or her employee may seize or dispatch the dog if it is found on his or her land without the permission of the person who is in immediate possession of the land. If the dog is tagged, as specified, it may only be dispatched if the dog has, and the owner has been notified that the dog has, previously threatened any of those animals.

(2) Existing law contains various provisions relating to the control, licensing, and treatment of dogs. Violation of any of these provisions is punishable by a fine of not more

than \$50 for the first offense and not more than \$100 for a second or subsequent offense

This bill would provide that violation of a provision relating to the control, licensing, and treatment of dogs which results in death or serious injury, as defined, to livestock or poultry is punishable by a fine of not more than \$500 or by imprisonment in the county jail for not more than 6 months, or by both the fine and imprisonment

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 1073 (SB 799) Mello Hazardous fire areas and state responsibility areas: fireworks.**

(1) Under existing law, a person may not smoke or build a campfire or bonfire within an area designated as a hazardous fire area pursuant to specified provisions, but the State Board of Forestry may establish campgrounds or campsites within those areas where smoking and the building of campfires may be allowed

Under existing law, the state has assumed primary responsibility for the prevention and suppression of fires in areas classified by the board, in accordance with specified criteria, as state responsibility areas.

This bill would prohibit the building of any open fires within a hazardous fire area, and would prohibit the use or possession of fireworks within an area within a state responsibility area designated by the Director of Forestry as a hazardous fire area for the purpose of prohibiting the possession of fireworks, but would permit the director to designate by regulation where specified types of fireworks, not otherwise prohibited, may be allowed for specified uses. The bill would also specify that no regulation adopted pursuant to the provisions of law regulating hazardous fire areas shall prohibit or curtail the complete possession and use of any area by the owner of the area or by the owner's agent, except as specified. The bill would make related changes

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 1074 (SB 898) Garamendi. Emergency medical services**

Existing law requires the Director of the Emergency Medical Service Authority to be appointed by the Secretary of the Health and Welfare Agency, as prescribed.

This bill would require the Governor to appoint the director upon nomination by the Secretary of the Health and Welfare Agency

Under existing law, the State Department of Health Services is authorized to prescribe standards for and approve an emergency medical technician training and testing program for the Department of the California Highway Patrol, Department of Forestry, and other public safety agency personnel, as prescribed

This bill would transfer that authority of the department to the Emergency Medical Service Authority, and would make related, conforming change

**Ch 1075 (SB 979) Keene. Financial transactions**

Existing law known as the Unruh Act regulates the contents of and any transactions pursuant to a retail installment contract and existing law known as the Rees-Levering Motor Vehicle Sales and Finance Act regulates the contents of and any transactions pursuant to a conditional sale contract for the sale of a motor vehicle

This bill would extensively revise the provisions of these two acts to provide, among other things, that a retail installment contract or a conditional sale contract for the sale of a motor vehicle shall contain the disclosures required by Regulation Z, as defined, whether or not Regulation Z applies to the particular transaction. Various terms defined

by the two acts would be redefined by this bill to take into account such things as amounts financed by the seller which are not part of the finance charge and deferred downpayment amounts which are not subject to the finance charge. The bill would also revise provisions relating to balloon payments and to the charging of a finance charge. The bill would further provide that compliance with these provisions shall be permissive between January 1, 1982, and April 1, 1982, and mandatory on and after April 1, 1982.

The existing Banking Law provides for the establishing and maintaining of bank branch offices in the state.

This bill would additionally provide for establishing and operating automated teller machine branch offices, as defined. The bill would specify the requirements for application to and approval by the Superintendent of Banks.

This bill would also declare that it is the intent of the Legislature, if this bill and AB 898 are both chaptered and become effective on or before January 1, 1982, both bills amend Section 1805.1 of the Civil Code, and this bill is chaptered after AB 898, that Section 1805.1 of the Civil Code, as amended by Sections 1 and 2 of AB 898, be further amended to incorporate the changes in Section 1805.1 proposed by this bill.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch 1076 (SB 264) Nielsen. Crimes

Existing law does not require a court to consider for sentencing purposes the previous taking into custody of a person as a minor.

This bill would require such consideration for specified sentencing purposes.

This bill also makes additional changes proposed by AB 398 to be operative only if AB 398 and this bill are both chaptered and become effective on January 1, 1982, and this bill is chaptered after AB 398.

#### Ch 1077 (SB 958) Garamendi. Long-term AFDC recipients

Existing law does not provide for a specific program aimed at assisting long-term recipients under the Aid to Families with Dependent Children (AFDC) program to obtain employment in unsubsidized jobs.

This bill would propose to achieve this purpose by providing a Supported Work Program for long-term AFDC recipients.

This bill would provide that the State Department of Social Services shall develop criteria for determining when an individual is a long-term AFDC recipient, and would specify criteria to be used in making this determination prior to the formulation of criteria by the department.

The bill would provide that the Employment Development Department would contract with public or private nonprofit entities to provide supported work. The bill specifies characteristics which supported work programs must have and conditions which the Employment Development Department shall require contracting entities to meet.

The bill would provide that the State Department of Social Services shall seek federal waivers in order to allow aid payments to a recipient under these supported work situations to be utilized as part of the recipient's wages, and that if these waivers are not obtained, the department shall divert any savings in the AFDC payment resulting from employment to the supported work program to be utilized as part of the wages of the recipient.

The bill would provide that the Employment Development Department, in cooperation with the Department of Social Services and the Department of Finance, shall annually, commencing March 1, 1983, submit an evaluation of the supported work program to the Legislature and the Governor.

The bill would provide that the Employment Development Department shall seek federal and other funds to finance supported work projects, and that subsequent funding for the supported work program may be provided for in the Budget Act.

The bill would specify that commencing with the 1984-85 fiscal year the Governor's Budget shall report the net expenditure reductions attributable to this program and shall recommend all or part of these savings to be reinvested, as specified.

The bill would further provide that its provisions shall only become operative if AB 799 provides funding for the purposes of this bill, and if AB 799 is chaptered during the 1981-82 Regular Session of the Legislature.

**Ch. 1078 (AB 1182) Cortese. Vocational training.**

Existing law provides for various programs intended to assist recipients under the Aid to Families with Dependent Children program to acquire the ability to enter the labor market.

Existing law does not provide for a program specifically aimed at giving these recipients vocational training and job placement in order to obtain marketable skills necessary for employment in unsubsidized jobs and to secure these jobs.

This bill would so provide for specified AFDC recipients by the enactment of the California Welfare Employment Skills Training Act.

This bill would further provide that, in administering the program, the Employment Development Department shall contract with eligible entities. The bill sets forth specified criteria which shall be utilized in awarding these contracts, and provides that contract funds shall be provided subject to specified conditions.

The bill would further provide that the Employment Development Department, in consultation with the State Department of Social Services, shall report on this program to the Legislature not later than February 1, 1985.

**Ch. 1079 (SB 809) Foran. Loans.**

Existing law imposes requirements on the issuance of a security document or evidence of debt that contains a provision for a variable interest rate or renegotiable interest rate if it is for the purpose of financing the purchase of residential real property.

This bill would authorize lenders to make an adjustable-payment, adjustable-rate loan secured by residential real property, as defined, which would be exempt from existing restrictions on variable interest rate and renegotiable interest rate mortgage loans. The bill would also prescribe a specific disclosure statement relating to these loans to be provided to prospective borrowers.

Existing law does not specifically authorize the Secretary of the Business, Transportation and Housing Agency to extend to lenders who make loans upon the security of residential real property, any right, power, privilege or duty relating to mortgage instruments which is extended to federally regulated financial institutions by federal statute or regulation.

This bill would provide that the Secretary of the Business, Transportation and Housing Agency or a director of a department within the agency who is designated by the secretary, would be authorized to adopt rules and regulations which would extend to lenders who make loans upon the security of residential real property, any right, power, privilege or duty extended to federally regulated financial institutions, within 60 days of the effective date of the federal statute or regulation authorizing such right, privilege or duty.

This bill would further provide that the Secretary of Business, Transportation and Housing or his or her designee, as defined, would be authorized to prescribe rules and regulations that would permit lenders to make variable interest rate mortgage loans, as specified, which would be exempt from any restrictions on variable rate mortgage loans or renegotiable rate mortgage loans, or other requirements for changes in the rate of interest on loans. This provision would become operative on January 1, 1983.

Existing law provides that the Superintendent of Banks is required to adopt regulations, to the extent permitted by state law, which would authorize state-chartered banks and subsidiaries of bank holding companies to make loans upon the security of real property with other than a fixed rate of interest if national banks doing business in the state are authorized to make these loans by federal statute or regulation. Existing law similarly requires the Savings and Loan Commissioner to promulgate regulations authorizing state savings and loan associations to make such secured real property loans to effect parity with federal savings and loan associations. Existing law further provides for the time in which such regulations are to be adopted, the amendment or repeal of

such regulations upon changes in the federal law, and the expiration of such regulations.

This bill would repeal these provisions with respect to loan regulations to be promulgated by the Superintendent of Banks and the Savings and Loan Commissioner, on December 31, 1983.

The bill would also make various related changes.

This bill would also permit a lender who makes federally related mortgage loans, as defined, and who is determined to be eligible by the Secretary of the Business, Transportation and Housing Agency or his or her designee, to make loans bearing other than a fixed rate of interest upon the security of real property, notwithstanding other provisions of law to the contrary, if the loans have been authorized by the Superintendent of Banks or the Savings and Loan Commissioner pursuant to the provisions of this bill. These provisions would be repealed on December 31, 1983.

Existing law provides that a mortgage guaranty insurer may insure certain real estate loans provided the amount of the loan does not exceed 95% of the fair market value of the real estate. Certain secured loans and experimental mortgage instruments, as specified, are excepted from this restriction and may be insured in an amount not to exceed 100% of the fair market value of the real estate.

This bill would provide that renegotiable rate mortgage loans, graduated payment adjustable rate loans, as defined, and other loans, as specified, may be insured for 100% of the fair market value of the real estate by a mortgage guaranty insurer.

This bill would further provide that the Insurance Commissioner is authorized to adopt reasonable rules and regulations which may be necessary to limit the amount of mortgage guaranty insurance in force on renegotiable rate mortgage loans, graduated payment adjustable rate loans, and other loans, as specified.

**Ch. 1080 (SB 957) Garamendi. Aid to Families with Dependent Children: employment services.**

Existing law makes provisions for, (1) the Youth Employment and Development program, for developing youth employment programs, and (2) the Career Opportunities Development program, for the reduction of dependency on welfare programs through creation of employment opportunities in the public sector.

This bill would provide that priority for employment and training services under these programs shall be given to unemployed parents who, though not qualified for the Aid to Families with Dependent Children (AFDC) program under federal standards, do qualify for the program under state law.

The bill contains other provisions linking the Career Opportunities Development program to programs for these AFDC recipients.

Existing law provides that a child whose unemployed parent is qualified for the AFDC program under state law, but who is not qualified under federal law, shall receive emergency assistance payments as provided for under federal law.

This bill would provide that those parents shall receive, to the extent permitted by federal law, employment and training services.

Existing law does not provide for a program under which unemployed parents qualified for the AFDC program under state law, but who would not be qualified under all applicable federal standards, would receive employment and training assistance.

This bill would provide for employment and training of these parents by authorizing the Employment Development Department to use available funds and specified sources to provide the services.

The bill would also specify that the Employment Development Department, with cooperation from the Department of Social Services shall develop pilot projects to provide these services, and that under these pilot projects aid payments shall not be made to AFDC recipients during their participation in the pilot projects.

The bill also contains specific requirements which these pilot projects must satisfy.

The bill would require the Employment Development Department to review alternative funding mechanisms for promoting private sector employment for unemployed parents qualifying for employment and training service programs provided for in the bill.

The bill would require the Employment Development Department to begin implementation of the program no later than July 1, 1982 and to report by February 1 of each year to the Legislative Analyst on the status of employment and training service

programs provided for under the bill and the Legislative Analyst would be required to critique these reports and submit findings to the Legislature on or before April 1 of each year

The bill would also require that commencing with the 1983-84 fiscal year, the Governor's Budget shall report net expenditure reductions attributable to the operation of programs provided for in the bill, and shall recommend a portion or all of the savings to be reinvested to further the intent of the bill

The bill would provide that it would become operative only if AB 799 provides funding for carrying out the purposes of this bill, and if AB 799 is chaptered during the 1981-82 Regular Session of the Legislature

#### Ch 1081 (AB 1067) Elder Nonemergency medical transportation services.

Existing law permits the State Director of Health Services to develop standards for determining whether nonemergency medical transportation services shall be reimbursed to a Medi-Cal provider.

Existing regulations require prior authorization to be obtained for nonemergency medical transportation services

This bill would require that the State Department of Health Services act on requests for prior authorization for these services as expeditiously as possible, using all relevant information in its possession regarding the beneficiary for whom services are requested

The bill would further provide that the department shall not form, within its Medi-Cal field offices, separate units to receive and act upon these requests.

This bill would be applicable only in counties having a population in excess of 6,000,000

#### Ch 1082 (SB 1004) Holmdahl Building standards state buildings

(1) Under existing law, building standards adopted by any state agency are required to be approved by the State Building Standards Commission and published in the State Building Standards Code. Those standards are not expressly applicable to the design and construction of state buildings.

This bill would require the commission to adopt, codify, and publish building standards providing the minimum standards for the design and construction of state buildings where no state agency has the authority to adopt building standards applicable to state buildings, which would also be applicable to the University of California to the extent permitted by law.

The bill would require each state agency which adopts or has adopted building standards to pay a proportionate share, as determined by the commission, of the cost of the review and publication of the building standards in the State Building Standards Code.

(2) Existing law authorizes the commission to hear appeals on the administration of any building standard, excepting occupational and health standards.

This bill would require the commission to establish a schedule of fees for those appeals to pay its administration and hearing costs.

#### Ch 1083 (AB 1639) Bates Mental health schools.

(1) Under existing law, the State Department of Mental Health was required to report to the Legislature by March 31, 1980, on primary prevention and early intervention services in community mental health programs.

This bill would establish guidelines and principles for primary prevention projects which may be implemented by school districts with available funds. The bill would also require the department to establish the pilot primary prevention projects for a period of 3 years in [at least] 4 to 6\*, school districts, to be funded on the basis of 50% state and 50% school district funds. School districts would be authorized to make in-kind contributions.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234,



but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

**Ch. 1084 (AB 1027) Levine Victims of crimes**

Existing law establishes an emergency award procedure for victims of crime who incur loss of income or support and includes on the application for this type of assistance, a listing of creditors by name, address, and amount of debt, of whom an applicant wishes the Board of Control to request forbearance of collections. Existing law also provides that the emergency award procedure shall be repealed as of December 31, 1981, unless a later enacted statute extends that date.

This bill would repeal the listing of creditors provision until January 1, 1985, and would repeal the termination date for the emergency award procedure.

Existing law authorizes specified increases in the amounts of assistance to victims, depending upon the availability of federal funds.

This bill would make technical changes in this provision of law until January 1, 1985

**Ch 1085 (SB 178) Boatwright. Tax credits**

Existing state Personal Income Tax Law and Bank and Corporation Tax Law provide for various credits against such taxes.

The bill would authorize a taxpayer to take a credit, not to exceed \$1,000 per vehicle, in the amount of 55% of the cost of a device that would convert a car or truck to the use of an alcohol fuel consisting of at least 85% methanol or ethanol

This bill would require the Franchise Tax Board to annually determine the amount of revenues not collected as a result of this bill. It would also require the State Treasurer to annually transfer that amount of funds in the Energy and Resources Fund ~~Account in the State Transportation Fund\*~~ to the General Fund to replace the net loss in revenues as a result of the enactment of this bill.

The provisions of the bill would be repealed on January 1, 1991.

The bill would take effect immediately as a tax levy, but its operative date would depend upon the time at which it becomes effective.

**Ch 1086 (SB 981) Keene Horseracing. fairs.**

Under existing law, any fair located within the area comprised of San Diego, Orange, and Los Angeles Counties which conducts its racing meeting, or any portion thereof, at the same time as any other racing association within the area is required to pay a daily license fee equal to 2.92% of its daily conventional parimutuel handle and 3.67% of its daily exotic parimutuel handle, rather than 3.65% and 4 4%, respectively paid by other fairs.

This bill would extend the same reduced rates to any fair located in the area comprised of Alameda, Solano, San Joaquin, and Sonoma Counties which conducts its racing meeting, or any portion thereof, at the same time as any other racing association within 100 air miles thereof

**Ch 1087 (SB 257) Rains. Permit Reform Act of 1981**

Existing law does not provide for an expedited system of obtaining permits, licenses, certificates, registrations, and other similar documents from state agencies

This bill would provide for a Permit Reform Act, which would facilitate the processing of the above documents, as specified, and would provide that the act shall become operative on January 1, 1983

**Ch 1088 (AB 1192) Costa. California Debt Advisory Commission.**

Existing law does not provide for a California Debt Advisory Commission to provide advisory assistance on bond issues to units of state and local government and to provide other assistance to state or local government on financial management

This bill would establish a commission of 9 members for this purpose, and prescribe its powers and duties

This bill would create the California Debt Advisory Commission Fund in the State Treasury to receive deposits for fees permitted by the bill, and would require all money in the fund to be available, when appropriated, for expenses of the commission and the State Treasurer

The provisions of this bill would be repealed as of January 1, 1987

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch 1089 (SB 744) Sieroty Teachers' Retirement System, state benefits

The State Teachers' Retirement Law presently prescribes a minimum retirement allowance of at least \$16 per month multiplied by the years of credited service for persons retired prior to January 1, 1981.

This bill would increase that amount to \$18 for persons retired prior to January 1, 1982, and require the amount to be increased by the improvement factor on September 1, 1981, and annually thereafter.

The bill would appropriate \$38,900 from the Teachers' Retirement Fund for administrative support of the State Teachers' Retirement System in implementation of these provisions.

Ch 1090 (SB 1261) Alquist Appropriation state-mandated local costs additional reimbursement.

This bill would appropriate a total of \$21,575,546.84 to the State Board of Control and to the Controller, as specified, to pay claims against the state of local agencies and school districts for additional reimbursement for specified state-mandated local costs.

This bill would also require the State Board of Control to amend specified parameters and guidelines, as specified, and to identify specified savings.

This bill would also require the Auditor General to conduct a study to evaluate the cost effectiveness and potential savings of the School Attendance Review Board program, as specified.

This bill would take effect immediately as an urgency statute.

Ch 1091 (SB 216) Boatwright State government

(1) Existing statutes prescribing the procedure for adopting state administrative regulations: (a) require prior notice, public hearings, and opportunity for interested persons to make presentations, (b) require the prior notice to refer to the particular statutes being implemented, interpreted, or made specific and to include an informative digest in a format similar to legislative bill digests; (c) require making available to the public, upon request, a general statement of the adopting agency's reasons and the express terms of the proposed action, and (d) prohibit substantial changes in a proposal unless directly related to the same subject or issue noticed.

This bill would revise the above to provide that if a public hearing is not scheduled, the state agency shall afford any interested person or his or her representative, the opportunity to present statements, arguments or contentions in writing. In addition, a public hearing would be required to be held if, no later than 15 days prior to the close of the written comment period, an interested person or his or her representative submits in writing to the state agency, a request to hold a public hearing.

This bill would prohibit a state agency from adopting, amending, or repealing any regulation, unless the full text of the proposal has been available to the public at least 45 days prior to the public hearing or close of the written comment period. A state agency would, however, be permitted to adopt, amend or repeal a regulation which has been changed or modified from that which was made available to the public if the change or modification meets certain criteria and the change or modification is made available to the public for at least 15 days prior to the date on which the agency adopts, amends or repeals the resulting regulation.

With respect to the review procedure referred to above, this bill would provide that, within 6 months following the date when a regulation has been reviewed by a state agency and a Statement of Review Completion, as provided, submitted to the Office of Administrative Law, a review of the regulation may be initiated.

(2) Existing statutes require the State Treasurer to furnish to the California Industrial Development Financing Advisory Commission all needed administrative and clerical assistance

This bill would repeal that requirement, would require the chairperson of the commission to appoint an executive secretary to serve at the pleasure of the commission and to receive an annual salary of not to exceed \$50,000, and would authorize employment of such additional staff as is deemed necessary.

(3) Existing law creates various state financing authorities or advisory commissions for specified limited purposes and designates the State Treasurer as the chairperson, but some agencies, such as the California Industrial Development Financing Advisory Commission, do not have startup funding, staffing and other ongoing funding mechanisms.

This bill would allow the California Pollution Control Financing Authority to make loans from its surplus administrative funds to certain other new financing authorities or advisory commissions to help them with their startup costs

(4) Chapter 69 of the Statutes of 1981 made various changes in the law governing public social services. A provision in that chapter exempted certain emergency regulations from the Administrative Procedure Act, and provided that emergency regulations adopted by any state agency in order to implement the provisions of the chapter by October 1, 1981, shall not be subject to the review and approval of the Office of Administrative Law until 180 days after the regulations take effect. It also stated that regulations shall not remain in effect more than 180 days unless the agency complies with all the provisions of the Administrative Procedure Act.

This bill would provide that any state agency which adopts regulations implementing the provisions of the chapter may adopt the regulations as emergency regulations in accordance with the provisions of the Administrative Procedure Act

(5) Chapter 102 of the Statutes of 1981, among other things, made extensive provisions concerning fiscal and governmental affairs of local and state government with respect to Medi-Cal programs. A provision in that chapter exempted the application of the Administrative Procedure Act, with respect to the adoption of emergency regulations.

This bill would provide that any state agency which adopts regulations implementing the provisions of the chapter relating to the Medi-Cal program may adopt the regulations as emergency regulations in accordance with the provisions of the Administrative Procedure Act, as specified

#### Ch. 1092 (SB 1149) Beverly. Housing employee rental housing

Under existing law, there is no authorization for a city, a city and county or a county to issue revenue bonds for the purpose of providing rental housing to employees of the state or local government, special district, or public or private utility.

This bill would provide such authorization, authorize such bonds to be legal investments for various funds, companies, associations, banks and other persons

This bill makes additional changes in provisions enacted by this bill in the event that this bill and AB 1192 are both chaptered, irrespective of the order of chaptering

#### Ch. 1093 (AB 61) Greene School finance: revenue limits: deferred maintenance: transportation. Board of Control.

(1) Existing law prescribes the manner and the amounts of warrants to be drawn on the State Treasury by the Controller in favor of the county treasurer of each county for the purposes of state apportionments to school districts and other school entities

This bill would repeal and reenact these provisions with certain changes, including a revision of the amounts of warrants to be drawn for the months of July to January, inclusive, for school districts which reported less than 5,000 units of average daily attendance and which received 39% or more of their total revenue limits from property taxes in the 1979-80 fiscal year.

(2) Existing law apportions to a school district, from the State School Deferred Maintenance Fund, an amount matching the amount budgeted by the district for deferred maintenance, up to a maximum of  $\frac{1}{2}\%$  of the total general funds budgeted by the district for the fiscal year.

This bill would increase the maximum amount up to  $\frac{1}{2}\%$  of the total general funds and adult education funds budgeted by the district for the fiscal year

(3) Existing law reserves up to a specified percentage of funds allocated for transportation allowances in each fiscal year for school districts the transportation expenses of which are substantially affected by sparsity of population

Chapter 100 of the Statutes of 1981 revises the computation of the transportation allowances for the 1981-82 fiscal year by, among other things, increasing the allowances by 6%

This bill would repeal the sparsity transportation allowances and would, instead, revise further the computation of the transportation allowances prescribed by Chapter 100 by, among other things, including the sparsity allowance in that computation.

(4) Chapter 100 of the Statutes of 1981 revises the method of determining school district revenue limits by, among other things, providing for a minimum revenue limit guarantee and for certain revenue limit adjustments for specified costs and allowances

This bill would further revise the minimum revenue limit computation by, among other things, making adjustments for changes in average daily attendance due to district reorganization and interdistrict attendance agreements

This bill would revise the revenue limit adjustments for specified costs and allowances by adjusting the district revenue limit per unit of average daily attendance for those costs and allowances, as specified, prior to computing district revenue limits for the 1981-82 fiscal year.

Chapter 100 of the Statutes of 1981 continues the revenue limit increase for specified small school costs in the 1981-82 fiscal year and each fiscal year thereafter

This bill would entitle any elementary school with less than 2,501 units of average daily attendance whose 7th and 8th grade pupils were being educated by a high school district in the 1978-79 fiscal year to the revenue limit increase for specified small school costs.

(5) Chapter 100 of the Statutes of 1981 also deletes the revenue limit adjustment for the adult education block entitlement and, instead, continues the entitlement as part of the principal apportionment to districts.

This bill would revise the adult education block entitlement provisions requiring districts which conducted programs for substantially handicapped adults to set aside a specified amount of money from their entitlement for those programs

(6) Chapter 100 of the Statutes of 1981 revises the school district revenue limit adjustment for declining enrollment by, among other things, prohibiting a district from receiving the adjustment in the next succeeding fiscal year if the district's average daily attendance increases in the fiscal year in which it would otherwise be entitled to receive the adjustment.

This bill would delete that prohibition and would, instead, reduce the revenue limit adjustment in the next succeeding fiscal year by any increase in the average daily attendance in that year

This bill would, notwithstanding these provisions, require the Superintendent of Public Instruction to compute the revenue limit adjustment for declining enrollment for the 1981-82 fiscal year for any high school district which experienced a decline in enrollment but, due to work stoppage, failed to experience a decline in average daily attendance, as specified.

(7) Chapter 100 of the Statutes of 1981 requires a school district to hold a public hearing on the proposed budget for the ensuing fiscal year any day during the first week in September

This bill would revise the public hearing deadline to any day prior to the end of the first week in September.

(8) Existing law prescribes a method of increasing school district revenue limits for districts which did not operate under the Master Plan for Special Education in the 1979-80 fiscal year and for districts which did operate under the master plan in that fiscal year. Current law further prescribes a revenue limit increase for those districts which operated a pregnant minors program.

This bill would repeal those revenue limit increase provisions

(9) Existing law prescribes a revenue limit increase, until June 30, 1982, for school districts for the excess costs of providing education, as defined, for children who reside in a regularly established licensed foster home located within the boundaries of the districts.

This bill would repeal those provisions

(10) Existing law requires a single-session kindergarten class to meet specified crite-

ria.

This bill would provide that kindergarten teachers shall be available for instructional assistance or assignment in primary grades when not involved in the kindergarten program

(11) Chapter 102 of the Statutes of 1981 limits state reimbursement for child nutrition to meals provided to pupils who are within relevant federal definitions and criteria for purposes of free and reduced price meals and to children eligible for aid or services under the provisions of state aid to families with dependent children

This bill would delete the reimbursement for meals provided to children eligible for aid or services under the aid to families with dependent children provisions

Chapter 102 of the Statutes of 1981 requires the State Board of Education to define needy children, to the extent permitted by federal law, for the purposes of the meals for needy children program, as children eligible for aid or services under the provisions of state aid to families with dependent children

This bill would delete that requirement and would, instead, redefine needy children as children who meet federal eligibility criteria for free and reduced price meals as defined in the child nutrition provisions.

(12) Existing law requires the State Department of Developmental Services, Education, and Mental Health to submit a joint report on state hospital programs for handicapped pupils to the Legislative Analyst by December 1, 1980

This bill would require reports by December 1 of each year until 1982

(13) Chapter 102 of the Statutes of 1981 requires the district of residence of the parent or guardian of any pupil attending a state-operated special school, excluding day pupils, to pay for each pupil 10% of the average annual cost of education

This bill would revise the amount to be paid to 10% of the excess annual cost of education.

(14) Chapter 100 of the Statutes of 1981, as amended by Chapter 102 of the Statutes of 1981, appropriated a 6% cost-of-living increase for specified categorical programs

This bill would delete that appropriation and would, instead, require the Superintendent of Public Instruction to allocate the funds appropriated by a specified Budget Act appropriation in such a manner as to provide the 6% cost-of-living increase for those programs This bill would also add adult education and home-to-school transportation to the programs receiving the 6% increase

(15) Article XIII B of the California Constitution places various limitations on the fiscal powers of state and local government by establishing, among other things, the appropriations limit of the state and each local jurisdiction Article XIII B further authorizes the adjustment of the appropriations limit in the event of a transfer of the financial responsibility of providing services Statutory provisions implementing Article XIII B define the various terms used in the article, including proceeds of taxes of a local jurisdiction, and prescribe procedures to determine, among other things, the appropriations limit of the state and each local jurisdiction

Chapter 15 of the Statutes of 1981 authorizes the governing body of a school district or community college district, or a county superintendent of schools, in the 1980-81 or 1981-82 fiscal year, to increase its 1978-79 fiscal year appropriations limit in a specified circumstance, but not to exceed its revenue limit for the 1978-79 fiscal year Chapter 15 also requires that any increase in the 1978-79 fiscal year appropriations limit of those entities shall equivalently reduce the state 1978-79 fiscal year appropriations limit

This bill would repeal these provisions of Chapter 15 of the Statutes of 1981 and would, instead, authorize the governing body of a school district or community college district, or a county superintendent of schools, beginning in the 1980-81 fiscal year or any fiscal year thereafter, to increase its appropriations limit to an amount equal to its proceeds of taxes, as specified. This bill would require the governing body of a district or the county superintendent of schools to notify the Department of Finance of the change within 45 days This bill would also require that any increase in the appropriations limit reduce the appropriations limit of the state by an equal amount

(16) Chapter 100 of the Statutes of 1981 provides that, notwithstanding specified provisions of the Education Code, a public school employer and the exclusive representative of employees shall meet and negotiate regarding causes and procedures for disciplinary action, other than dismissal, affecting certificated employees, and regarding procedures and criteria for the layoff of certificated employees for lack of funds

This bill would instead require that the parties meet and negotiate regarding these subjects upon request of either party.

(17) Chapter 100 of the Statutes of 1981 requires the public school employer to meet and negotiate with employee organizations on whether or not to postpone specified employee dismissal hearings until 1 week after the Budget Act for the 1982-83 fiscal year is chaptered, and to postpone required notices to employees until 2 weeks after the Budget Act for the 1982-83 fiscal year is chaptered.

This bill would instead require the parties to meet and negotiate on whether to postpone the employee dismissal hearings until a time not later than 4 weeks after the Budget Act is chaptered, and to postpone required notices to employees until 6 weeks after the Budget Act is chaptered.

(18) Existing law establishes independent data-processing centers in certain participating school entities and appropriated a specified amount for those centers, to be repaid with interest during 5 fiscal years beginning in the 1978-79 fiscal year.

This bill would extend the repayment period to 7 fiscal years and would provide for interest-only payments in the 1981-82 and 1982-83 fiscal years.

(19) Existing law provides for emergency apportionments to school districts, including a prescribed 3-year repayment period with interest. Del Paso Heights Elementary School District received emergency apportionments pursuant to a specified Budget Act appropriation.

This bill would extend the repayment period for that school district to 5 years and would provide for interest-only payments during the 1981-82 and 1982-83 fiscal years.

(20) Chapter 100 of the Statutes of 1981 prescribes a method of allocating the interest income earned on the school entities' portion of uncertain proceeds of taxes levied on the unsecured roll for the 1978-79 tax year.

This bill would repeal that provision and would, instead, prescribe a similar method of allocating the interest income.

(21) Existing law appropriates \$163,500 for the support of 2 school resource centers.

This bill would reappropriate the \$163,500 for the support of 3 school resource centers.

(22) This bill would authorize the Superintendent of Public Instruction to apportion, from a specified Budget Act of 1980 appropriation, a sum not to exceed \$400,000 to the Fullerton High School District for the cost of an adult education program that commenced on July 1, 1980, and was discontinued on January 26, 1981.

(23) This bill would make technical, nonsubstantive changes

Ch. 1094 (SB 769) Sieroty. Special education: school finance.

(1) Existing law prescribes a method of computing apportionments to school districts, including a determination of district revenue limits for the 1980-81 fiscal year and each fiscal year thereafter. This method provides for adjustments to the district revenue limits pursuant to inflation adjustments, as prescribed.

Existing law also provides state funding for special education programs pursuant to services-based apportionment formulas.

This bill would revise the formula for minimum apportionment to school districts and county offices of education for special education during the 1980-81 fiscal year to reflect funds received for the operation of special day classes and centers.

This bill would revise, as specified, the apportionment formula for districts and county offices that operate an extended year program which is required by statute and would require the Superintendent of Public Instruction to develop regulations defining "severely handicapped pupils" eligible for that funding.

This bill would revise the apportionment formula for instructional personnel services for special education programs, and require a report to the Superintendent of Public Instruction, as specified, as a condition of receiving state aid for instructional personnel services.

This bill would revise the apportionment formula for support services for special education programs, and would require a report to the Superintendent of Public Instruction, as specified, as a condition of receiving state aid for support services.

This bill would revise the computation formulas for state apportionments for program specialists and regionalized services by, among other things, limiting the total unduplicated pupil count used in these computations to 10% of the enrollment in kindergarten and grades 1 to 12 in each district.

This bill would revise the computation formula for determining the state aid to be allocated for pregnant minors programs operated by county superintendents of schools. This bill would also make other related changes.

(2) Under existing law, the county office of education is responsible for ensuring the appropriate placement of individuals with exceptional needs residing in licensed children's institutions.

This bill would limit this responsibility to those individuals with exceptional needs placed in a licensed children's institution by a court, regional center for the developmentally disabled, or public agency.

(3) Under existing law, certain school districts, special education services regions, and county offices of education operate early education programs for individuals with exceptional needs younger than three years of age.

This bill would require that, as a condition of receiving state aid, those entities which operated the early education programs and received state or federal aid for those programs in the 1980-81 fiscal year to continue to operate the programs in the 1981-82 fiscal year and each fiscal year thereafter. This bill would exempt from this requirement, as specified, a district or county office which offered these programs in the 1980-81 fiscal year but in a subsequent year transferred them to another entity.

(4) Existing law requires that school districts, special education services regions, and county offices contract with nonpublic, nonsectarian school services for the provision of appropriate special facilities and services for individuals with exceptional needs when no appropriate public education program is available, but these public entities are required to make every effort to utilize public or nonpublic, nonsectarian schools within the state before contracting with nonpublic, nonsectarian schools outside the state. Existing law provides for state funding for a portion of the costs of pupils placed in special education programs in nonpublic, nonsectarian schools.

This bill would require that, until July 1, 1982, an individualized education program team which recommends a new placement in a nonpublic nonsectarian school submit the recommendation to the governing board of the district for a review of the cost of the placement. This bill would require the governing board to complete its review and make its recommendation at its next regular meeting, and would provide that a parent or representative has the right to appear before the board regarding nonpublic school placement for his or her child. This bill would also require that the board's recommendations be considered at a meeting of the individualized education program team within 5 days of the board's review. This bill would also require that the Superintendent of Public Instruction review, as specified, the appropriateness of placement if the cost exceeds \$20,000, and would also require the superintendent to review annually the total costs incurred for placements in nonpublic, nonsectarian schools.

This bill would require the school districts or county offices of education which receive these state funds to comply with specified program review and report requirements. This bill would also prohibit state funding of certain placements in nonpublic, nonsectarian schools if the cost increase during the year exceeds a specified percentage, unless the Superintendent of Public Instruction finds specifically that a greater increase is warranted.

(5) Existing law provides a formula for the computation of an adjusted local general fund contribution amount for each district's special education program.

This bill would limit the amount of indirect support costs for special education in the computation of this contribution amount.

(6) This bill further requires that the Superintendent of Public Instruction review on an ongoing basis the information and calculations submitted by districts and county offices in support of special education apportionment computations and make adjustments for errors by the districts and county offices. Moreover, no special education programs already in operation shall be transferred to the county superintendent of schools, except as specified.

(7) Chapter 149 of the Statutes of 1981 amends Section 56505 of the Education Code, which requires a due process hearing prior to the placement of a child in a program for individuals with exceptional needs.

This bill would further amend Section 56505 by requiring that the person conducting the hearing consider cost in addition to the other factors considered in making a decision as to the placement of an individual with exceptional needs.

(8) This bill would require the State Board of Education to adopt regulations for identification of pupils as individuals with exceptional needs within six months after the enactment of this act

(9) Chapter 797 of the Statutes of 1980 reorganized special education programs in the state

This bill would declare the intent of the Legislature that no teacher of individuals with exceptional needs who is currently rendering those services or who was rendering such service before reorganization, shall be deprived of his or her seniority, classification, or other rights and privileges as a result of the reorganization, and would make specific provisions to carry out this intent

(10) This bill would establish a special legislative advisory committee on special education, with specified members, to guide, advise, and assist the Legislature. The bill would require the special advisory committee to issue an interim report on its findings and recommendations on specified issues by December 31, 1981, and to issue a final report by June 30, 1982

(11) The Budget Act of 1981, as amended by Chapter 169 of the Statutes of 1981, limits the funds to be used for special transportation to \$66,187,800

This bill would limit the funds to be used for special transportation to \$64,260,000. This bill would also limit the funds to be used for program specialists and regionalized services, as specified

(12) The Budget Act of 1981, as amended by Chapter 169 of the Statutes of 1981, makes an appropriation for the support of special education programs for individuals with exceptional needs

This bill would allocate \$65,753,000 of that appropriation to local education agency entitlements for special education programs for individuals with exceptional needs

(13) This bill would require that up to \$500,000 of the funds appropriated for special education local assistance for the 1981-82 and 1982-83 fiscal years be available to specified school districts and county offices of education for the lease or rental of temporary classroom facilities for special education.

(14) This bill would incorporate changes in Section 56368 of the Education Code, proposed by AB 717, to become operative January 1, 1982, but only if AB 717 and this bill are both chaptered and become effective, and this bill is chaptered last

(15) This bill would incorporate changes in Sections 56362 and 56505 of the Education Code, proposed by AB 817, to become operative January 1, 1982, but only if AB 817 and this bill are both chaptered and become effective, and this bill is chaptered last

(16) This bill would require that, except as otherwise provided, its provisions be deemed operative for the entire 1981-82 fiscal year

(17) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs if no other act appropriates funds which would provide the required reimbursement to local agencies and school districts

(18) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1095 (AB 2074) Robinson Agricultural use of land: cancellation of contracts

Existing law, in the California Land Conservation Act of 1965 (also known as the Williamson Act), declares that preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources. Agricultural use for purposes of the act is defined as the use of land for the purpose of producing an agricultural commodity for commercial purposes. The law provides for restricting the use of land to open-space purposes by means of contracts and allows



cancellation of contracts only under specified circumstances.

Moreover, the California Supreme Court held in the case of *Sierra Club v. City of Hayward*, 28 Cal. 3d 840, that cancellation of a Williamson Act contract shall be reviewable by administrative and not legislative mandamus, and the court narrowly construed the circumstances under which a contract may be canceled.

This bill would codify the holding of the California Supreme Court in the case of *Sierra Club v. City of Hayward* that cancellation of a Williamson Act contract shall be reviewable by administrative mandamus and not legislative mandamus.

Present statutory and decisional law requires the board or council to make findings that (1) cancellation is consistent with the purposes of the Williamson Act and (2) cancellation is in the public interest, in order to approve cancellation of a Williamson Act contract.

This bill would expand the ability of a local agency to cancel a Williamson Act contract by permitting the board or council to grant tentative approval for the cancellation if it makes one of the above findings.

In addition, the bill specifies various findings, which are delineated in the *Sierra Club* case, which the board or council is required to make in order to find that the cancellation is consistent with the purposes of the Williamson Act or that cancellation is in the public interest.

The bill would also expand the ability of a local agency to cancel the contract, as specified, for a limited time period.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

#### Ch. 1096 (SB 629) Russell Insurance health disability insurance conversion

Existing law does not require group health insurance policies to permit conversion of coverage in the event that termination of employment or membership in a group ceases.

This bill would, on and after January 1, 1983, with respect to policies of group disability insurance, except for self-insurance programs provided by employers, entitle the insured to have a converted policy issued to him or her by the insurer under whose group policy he or she was covered, without evidence of insurability, subject to specified terms and conditions. It would also, on and after January 1, 1983, require employers, other than self-insurers, employee associations or other entities providing hospital, surgical or major medical benefits to make available conversion coverage.

#### Ch. 1097 (AB 1618) Costa. Mortgage revenue bonds

(1) Under the existing provisions of the so-called "SB 99 Program" in the Community Redevelopment Law, redevelopment agencies may make loans to participating parties, as defined, through qualified mortgage lenders to finance, among other things, the construction of commercial structures and mixed residential and commercial structures which the redevelopment agency determines to be an integral part of a residential neighborhood.

This bill would prohibit a redevelopment agency from providing permanent long-term financing for a commercial structure or a mixed residential and commercial structure authorized or approved by the agency's resolution on or before June 3, 1980, in furtherance of which the agency or any person or entity has expended substantial funds or committed to reimburse another who has expended substantial funds unless the agency adopted a resolution before January 1, 1981, approving and authorizing the sale of revenue bonds to provide the permanent long-term financing and the bonds were sold and delivered before March 15, 1981.

(2) The federal Mortgage Subsidy Bond Tax Act of 1980, with certain exceptions, limits the amount of public bonds, interest upon which is exempt from federal income taxation, that may be issued annually in any state to finance loans for owner-occupied

residences, as specified. This federal act also prescribes a formula for dividing such quota among state housing finance agencies and other issuers, but permits state governors (on an interim basis) and state legislatures to provide for reallocation.

This bill would provide for a different formula from that contained in the federal act for allocation of the state ceiling among the governmental units in the state having authority to issue qualified mortgage bonds. The bill would also create a Mortgage Bond Allocation Committee.

(3) Under existing law, prior to issuing of any bonds for the purposes of a home financing program by a city or county, the Housing Bond Credit Committee is required to review a statement of the purpose and amount of the proposed issuance and may disapprove or reduce the amount of the proposed issuance if the issuance poses an undue risk to the state's credit.

This bill would require the review to be made by the Mortgage Bond Allocation Committee and delete the provisions on the disapproval or reduction of the proposed issuance.

The bill would require the committee to designate areas of chronic economic distress and the State Treasurer to seek federal approval of those designations.

The bill would also authorize the committee to charge a fee to cover its costs which is required to be deposited in the Mortgage Bond Allocation Fee Account which the bill creates in the General Fund and would specify that these funds shall be available, upon appropriation by the Legislature, to the committee for the purpose of covering costs incurred in the implementation of its responsibilities.

Existing law defines the terms "city" or "county," for purposes of provisions relating to a home financing program by a city or county to include a city and county.

This bill would also include, within the definitions of these terms, any agency created by a joint powers agreement entered into by cities or counties, or both, for the express purpose of the joint exercise of their powers under those provisions.

#### Ch 1098 (SB 121) Craven Local agencies bonds, bond interest

(1) Existing law provides that the maximum interest that can be paid on bonds, as defined, issued by a redevelopment agency, housing authority, industrial development authority, and other local governmental agencies is, with certain specified exceptions, 10% per year.

This bill would increase the maximum interest rate to 12% for bonds issued by such agencies; ~~with a specified exception for lease bonds, as defined, issued by a redevelopment agency.~~ These provisions would remain in effect only until January 1, 1984, unless that date is deleted or extended by a later enacted statute.

(2) The bill would also require the California Debt Advisory Commission, proposed to be created by AB 1192, to study bond financing of capital improvements by local agencies and report thereon to the Legislature on or before January 1, 1983.

(3) The California Industrial Development Financing Act (enacted in 1980) authorizes cities and counties to establish industrial development authorities to issue revenue bonds to fund capital projects of private enterprise to assist in the economic development of the state and its citizens. Under the act, projects otherwise authorized by the act and undertaken by a charter city by January 1, 1982, for which bonds are issued by January 1, 1984, are exempted from complying with the provisions of the act.

This bill would enact a similar exemption for projects undertaken by a charter city by January 1, 1984, for which bonds are issued by January 1, 1986.

(4) Under existing provisions of the so-called "SB 99 Program" in the Community Redevelopment Law, redevelopment agencies may make loans to participating parties, as defined, through qualified mortgage lenders to finance, among other things, the construction of commercial structures and mixed residential and commercial structures which the redevelopment agency determines to be an integral part of a residential neighborhood.

Existing law provides that elected officers of the state or officers of political subdivisions of the state and employees of redevelopment agencies are not eligible to be a participating party for purposes of the above provisions.

This bill would exclude elected judges from the prohibition that elected officers of the state are not eligible to be a participating party for such purposes.

This bill would also expressly exclude members of redevelopment agencies from being

eligible as a participating party and would, with respect to elected officials of political subdivisions of the state, provide, instead, that they shall not be eligible to be a participating party only if they participate in deliberations or vote on a financing plan, redevelopment plan, or a bond issue under those provisions

Ch 1099 (SB 272) Montoya Private educational institutions administration taxation

(1) Under existing law the Private Postsecondary Education Act of 1977, which provides a procedure for private postsecondary institutions to secure authorization to issue diplomas and degrees from the state, is repealed as of July 1, 1982

This bill would repeal the provision that terminates the act on July 1, 1982, and would instead repeal the act on July 1, 1986

(2) Under existing law, the Council for Private Postsecondary Educational Institutions functions in an advisory capacity to the Superintendent of Public Instruction regarding the administration of the Private Postsecondary Education Act of 1977 Existing law provides a fee schedule which governs fees to be paid by specified private institutions for the approval of these private institutions

This bill would change the composition of the council

This bill would prohibit an institution from offering education which develops or improves an occupational skill, knowledge, or ability, as defined, unless an annual affidavit, as specified, is filed with the Superintendent of Public Instruction This provision would not apply to certain programs and institutions

This bill would revise the fee schedule for the approval or authorization of specified private institutions The bill would require the superintendent to establish and maintain a Private Postsecondary Education Administration Fund and would continuously appropriate all fees collected under this bill to the State Department of Education to be credited to this fund

(3) Under existing law, private postsecondary educational institutions are prohibited from awarding academic degrees unless they: (1) are accredited by a recognized accrediting agency, (2) are approved by the Superintendent of Public Instruction, the approval being based upon a determination that an adequate educational program exists, or (3) file affidavits relating to the educational program and financial resources of the institution

This bill would require that the Council for Postsecondary Educational Institutions impanel a special committee of technically qualified persons to develop standards to be used in the review and authorization of institutions which operate under item (3) The bill would require the committee to submit these standards to the council before September 1, 1982, and that the council accept or reject the standards by January 1, 1983. The members of the special committee would serve without compensation

This bill would require the council, prior to July 1, 1983, to submit to the Legislature recommendations for a revision of item (3)

This bill would repeal, effective July 1, 1983, the existing provisions prohibiting private postsecondary institutions from operating without authorization

This bill would add revised provisions prohibiting private postsecondary institutions from operating without authorization, effective July 1, 1983, which, among other things, would reflect the standards developed by the Council for Postsecondary Institutions and would permit only institutions awarding degrees primarily in theology and other areas of religious study to receive authorization to operate by filing affidavits relating to the educational program and financial resources of the institution

This bill would also require instructors and administrators of postsecondary institutions approved by the superintendent to hold a valid and applicable Certificate of Authorization for Service, issued by the superintendent upon a determination that, among other things, the applicant is of good moral character

This bill would permit the Superintendent of Public Instruction to bring a civil action to enjoin the operation of a postsecondary educational institution, as specified

This bill would also revise, with various substantive changes, certain other provisions relating to these procedures, including a requirement that institutions provide instruction, as defined

The bill also redefines several existing exemptions from regulations relating to postsecondary education

Ch. 1100 (SB 1225) M. Garcia. Hospital districts. officers: property interests

(1) Under existing law, no person may hold office in a hospital district if the person or the person's spouse or minor children, owns or has an interest in any stock, bonds, or other securities issued by any private hospital serving the same area served by a hospital district, or if the person is a director or other officer of the private hospital. Under existing law, no person who is a director or an officer of, or who occupies any management position or office on the administrative staff of any private hospital may hold any district office or management position or office in any district hospital.

This bill would except from that prohibition, persons serving concurrently on the administrative staff of any private hospital, as defined, and any district hospital where the boards of directors of both hospitals have determined that shared administrative staffs would further joint planning, efficient delivery of health care services, and the best interests of the areas served by the hospital.

The bill would also require any candidate for the office of member of the board of directors of a hospital district who owns stock in or works for a private hospital which does not serve the area to disclose on the ballot his or her occupation and place of employment.

(2) The law currently enumerates the various powers of a hospital district.

This bill would, in addition, authorize a hospital district to establish, maintain, and carry on its activities through one or more corporations for the benefit of the hospital district.

Ch 1101 (SB 274) Foran. Air pollution. emission standards. buses. alcohol fuels study.

(1) Existing law requires the State Air Resources Board to adopt and implement emission standards for new motor vehicles, including buses.

This bill would prohibit any engine in a bus owned or operated by a public transit operator that is used for transporting passengers from being required to meet emission standards more stringent than those adopted by the Environmental Protection Agency. This provision would be repealed on January 1, 1984, unless a later enacted statute deletes or extends this date.

(2) The bill would authorize the state board to conduct a study on pure alcohol fuels serving as a replacement for diesel fuels.

Ch 1102 (AB 52) Rogers. Driver's license and identification card: thumbprint.

Existing law provides for the issuance by the Department of Motor Vehicles of drivers' licenses and identification cards. The law specifies the information which is required to be included in an application for the license or card.

This bill would, on and after July 1, 1982, also require the application to include a legible print of the applicant's thumb or finger.

This bill would incorporate additional changes in Section 12800 of the Vehicle Code proposed by AB 1301, to be operative on the operative date of this bill only if AB 1301 and this bill are both chaptered and become effective on or before January 1, 1982, and this bill is chaptered last.

Ch 1103 (AB 347) McAlister. Summary criminal history information.

Existing law specifies various persons who may receive state and local summary criminal history information, as defined, including public utilities for nuclear energy facility employment purposes.

This bill would also include public utilities when access to such information is needed to assist in employing current or prospective employees who in the course of their employment may be seeking entry to private residences and would restrict the utilization of such information, as specified. The information provided would be limited to the record of convictions and any arrest for which a current or prospective employee is released on bail or on his or her own recognizance pending trial. A violation of such restrictions would be a misdemeanor. The bill would also require the Attorney General, if he or she supplies state summary criminal history information to a public utility for such purposes, to furnish a copy to the current or prospective employee to whom the information relates. The bill would make related changes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Fi-

nance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

This bill also makes additional changes proposed by SB 964, to be operative only if SB 964 and this bill are both chaptered and become effective on January 1, 1982, and this bill is chaptered after SB 964

**Ch 1104 (AB 1804) Elder County Employees Retirement Law of 1937. administration**

Existing law permits elective officers to elect to be members of the retirement association

This bill, in counties in which the provision is made operative by the board of supervisors, would permit elective officers under specified conditions, including payment of specified contributions, to receive current service credit for previous service before a break in service

**Ch. 1105 (AB 1074) Kapiloff Old Town San Diego State Historic Park leasing.** Under existing law, the Director of General Services may lease state-owned property for a period not to exceed 5 years if the director deems it in the best interests of the state. Rents received by the Department of General Services are deposited in the General Fund and are continuously appropriated to the department to maintain, improve, and care for real property acquired pursuant to the Property Acquisition Law. Additionally, under existing law, the Department of Parks and Recreation is authorized to enter into agreements with persons to construct, operate, and maintain concessions within units of the state park system

This bill would require the Director of General Services to offer to extend the leases of 4 specified parcels in Old Town San Diego State Historic Park to the current lessees of the property for a period of 3 years, commencing January 1, 1982, and would provide that the revenues received under those extended leases would be available for expenditure when only appropriated by the Legislature. The bill would require the Director of Parks and Recreation, on or before December 31, 1984, to negotiate and execute concession agreements with those lessees providing for the occupancy at other premises within the park, as specified. The bill would provide that, if a concession agreement is not executed with a lessee, as specified, the Director of General Services shall negotiate and execute a lease with that lessee to continue to occupy the same premises for 5 years with an option for the lessee to extend the lease for an additional 5 years. The bill would also require any lease or concession agreement executed under the bill to retain to the Director of General Services or the Director of Parks and Recreation, whichever is applicable, authority to approve or disapprove any changes of the tenancies or of any proposed subleases of the parcels

**Ch 1106 (AB 1533) Papan Legislative Counsel**

Under existing law there is a Legislative Counsel Bureau and provision is made for the employment of professional assistants and clerical and other employees

This bill would provide that the Legislative Counsel and the employees of the bureau would receive any or all of the employee benefits provided to employees of either house of the Legislature to the extent that funds appropriated for the support of the Legislative Counsel Bureau include funds for that purpose

Under existing law, the Legislative Counsel is an ex officio, nonvoting member of the California Law Revision Commission

This bill would make the Legislative Counsel a voting member of the commission

**Ch 1107 (AB 790) Farr Elections**

Existing law permits affidavits of registration executed on or before the 29th day before an election and postmarked on or before the 29th day to be effective for that election if received by the fourth day after the 29th day. It also allows voters, in lieu of executing a new affidavit of registration for a change of address within a county, to send a notice or letter of the change of address, as long as the notice or letter is postmarked not less than 29 days before the election

This bill would delete the requirement that the affidavit, notice, or letter be post-marked and would make the notice or letter effective for the election if received by mail by the 4th day after the 29th day before the election.

**Ch. 1108 (AB 383) Cramer Sentences**

Existing law imposes an additional term of 3 or 5 years for the infliction of great bodily injury, as specified, in felony cases. Existing law also imposes an additional 3-year, 5-year or 10-year prison term for each prior violent felony upon a subsequent violent felony conviction.

This bill would additionally impose a life term concurrent to any other term in specified felony cases involving infliction of great bodily injury or use of force likely to produce great bodily injury. The offender would be designated as a habitual offender. A person so sentenced would not be eligible for release on parole for a period of at least 20 years, as specified, subject only to reduction for good behavior and participation credit. A commitment to the Department of the Youth Authority after a conviction for a felony would constitute a prior prison term for the purposes of imposing a life term under these provisions.

This bill would provide for the repeal of its provisions on January 1, 1987.

**Ch. 1109 (AB 925) Alatorre Schools. leases.**

Existing law directs the State Allocation Board to fix rents for all projects acquired by the state for rental to school districts, and may change the rents from time to time as may be needed so long as the rents do not exceed a specified amount in any one year. This specified amount is the sum of several factors. One of these factors is the net proceeds from the sale or lease of any school building or land no longer needed for school purposes.

This bill would exclude from this factor the proceeds from the sale or lease of any school buildings or land no longer needed for school purposes which are used for capital outlay expenditures for school construction when the construction conforms to State Allocation Board building area standards.

**Ch. 1110 (AB 841) Berman. Judicial arbitration.**

Existing law requires specified civil cases in certain superior courts to be submitted to arbitration if the amount in controversy, in the opinion of the court, will not exceed \$15,000, and requires certain courts to provide by rule for a uniform system of arbitration in certain cases where the plaintiff agrees that the arbitration award shall not exceed \$15,000.

This bill would specify that in the Counties of Los Angeles and San Bernardino, actions in which the amount in controversy does not exceed \$25,000 shall be submitted to arbitration. The bill would make related changes.

Existing law provides that compensation for arbitrators, for judicial arbitration, shall be \$150 per day, unless a higher level of compensation is provided for by the board of supervisors of a county and provides that the compensation of arbitrators shall be paid for by the county in which the arbitration costs are incurred.

This bill would provide instead that the rate of compensation for arbitrators shall be \$150 per case or \$150 per day, whichever is greater, except that the board of supervisors of a county or city and county may set a higher level of compensation.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 1111 (AB 779) Greene Parole**

Existing law requires the Board of Prison Terms within 1 year of the commencement of imprisonment to recommend by motion that the sentencing court recall the sentence of the defendant and resentence him or her if the board determines on review that the sentence is disparate under specified rules and compared to sentences received by

persons convicted of similar crimes.

This bill would require the board to notify specified persons of a determination that the sentence is disparate, and authorize the sentencing court to resentence the defendant within 120 days of receipt of the information.

Under existing law, after judgment has been pronounced the clerk of the court is required to send to the prison or institution where the convicted person is delivered, copies of the statements filed by the judge, district attorney, the defendant's attorney and the investigating law enforcement agency, and a copy of the transcript of the proceedings.

This bill would require the clerk to also send the charging documents and the transcript of the proceedings at the time of the defendant's guilty plea, if the defendant pleaded guilty.

Existing law provides that parole of an inmate imprisoned under a life sentence shall not exceed 5 years and that any other inmate's parole shall not exceed 3 years. Except for persons who have escaped from prison, any person sentenced under the determinate sentencing law may not be retained under parole supervision more than 4 years and a person initially sentenced under the indeterminate sentencing law may not be retained under parole supervision more than 7 years.

This bill would additionally provide that parole for a person convicted of first or second degree murder may not exceed 5 years. The bill would instead provide that, except for escapees, parole supervision of a prisoner subject to 3 years on parole may not exceed 4 years and for a prisoner subject to 5 years on parole, parole supervision may not exceed 7 years.

Existing law provides that if the Board of Prison Terms refuses to set a parole date for a prisoner the board shall hear the case annually thereafter.

This bill would provide that the board shall hear each case annually thereafter except the board may schedule the next hearing no later than 3 years after any hearing at which parole is denied if the prisoner has been convicted, in the same or different proceedings, of more than one offense which involves the taking of a life, and the board finds that it is not reasonable to expect that parole would be granted at a hearing during the following years and states the bases for the finding.

Under existing law, the Board of Prison Terms grants parole of any prisoner subject to conditions it may deem proper. The Youthful Offender Parole Board may grant parole to a person committed to a school under the control of the Department of the Youth Authority under such conditions as the board deems best.

This bill would require the Department of Corrections and the Department of the Youth Authority to make available within 10 days upon request to the chief of police or sheriff of a city or county information concerning persons then on parole who are or may be residing in the city or county.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

#### Ch 1112 (AB 359) Papan Peace officers

Existing law provides for exemptions from laws pertaining to the sale of concealable weapons for various specified categories of peace officers.

This bill would provide that the exemption would also apply to other enumerated categories of peace officers.

Existing law permits the emergency vehicles operated by the California Highway Patrol to display a steady or flashing blue warning light in a specified manner.

This bill would also permit the California State Police Division to use these lights on emergency vehicles.

**Ch 1113 (AB 166) Greene Schools school facilities aid**

(1) Under existing law, there is the Leroy F. Greene State School Building Lease-Purchase Law of 1976 which, among other things, establishes a county school lease-purchase fund and provides for the construction of school buildings under numerous specified conditions, including the prescribed maximum area of school construction for applicant school districts. Current law requires the State Allocation Board to determine which building areas are to be included in the computation of a district's existing area of adequate school construction.

This bill would require the State Allocation Board, in a specified circumstance, to include in the computation of an applicant school district's maximum area of school construction the proposed building area of a project for the construction of district administration and maintenance facilities.

This bill would also require the board in allocating funds to give first priority to applicant districts proposing additional classrooms over applicant districts proposing administration and maintenance facilities.

This bill would also permit expenditures from the county school lease-purchase fund to reimburse school districts for specified costs or commitments.

(2) Existing law defines average daily attendance for the purpose of determining the area of building construction per unit of average daily attendance used in computing allowances to school districts for capital outlay under the Leroy F. Greene State School Building Lease-Purchase Law of 1976. The attendance of 7th and 8th grade pupils attending school in an elementary school district but who reside in a high school district which maintains junior high schools is excluded from the definition unless the elementary district is maintaining and has continuously maintained grades 7 and 8 since a date prior to January 1, 1975.

This bill would include the average daily attendance of 7th and 8th grade pupils in elementary school districts in the computation when the electorate voted, in specified elections, to withdraw its 7th and 8th grade pupils from the high school district and the junior high school facility is within the elementary school district and the elementary school district purchases the facility from the high school district.

(3) This bill would incorporate changes in Section 17740 of the Education Code, proposed by Assembly Bill 758, to become operative on the effective date of this bill, but only if Assembly Bill 758 and this bill are chaptered and become effective, and this bill is chaptered last.

(4) Existing law requires the written approval of the plans for the construction or alteration of school buildings by the Department of General Services before the letting of any contract for construction.

This bill would, instead of prior approval before letting a contract, require the written approval of the plans for the fabrication, construction, or alteration of a relocatable school building by the Department of General Services before construction of the relocatable building may commence.

(5) Existing law also requires that the portion of a surplus school site consisting of land used for playground or other recreational and open-space purposes, but not more than 30% of a school district's total surplus acreage, under specified circumstances, be first offered for sale or lease to specified public agencies at a limited price.

This bill would limit the right of a public agency to acquire surplus school property within its jurisdictional boundaries to an amount not in excess of 30% of the surplus school acreage, as defined, within those boundaries. This bill would not affect the opportunity of a public agency to purchase at fair market value all or part of the 70% of the total surplus school acreage not affected by these provisions.

(6) This bill would also authorize the State Allocation Board to apportion funds from the State School Building Lease-Purchase Fund to the Windsor Union Elementary School District to enable that district to purchase a junior high school from the Healdsburg Union School District.

**Ch 1114 (AB 1102) Cortese Elections**

(1) Existing law requires the county clerk to keep a copy of the voters' registration index on file as a public record.

This bill would specify that the index is a public record for election, political research, and governmental purposes only.

(2) Existing law requires the county clerks to forward tape files or indexes to the Secretary of State at specified times prior to the statewide direct primary election and



the statewide General Election.

This bill would revise the dates that the files and indexes shall be forwarded to the Secretary of State.

(3) Current law provides that if polling places or election officers are not appointed or cannot serve by the 20th day before the election, the county clerk shall so designate the polling places or appoint the board members

This bill would delete the 20-day requirement.

(4) Current law allows the precinct inspectors to receive up to \$5 more than the election judges or clerks.

This bill would delete the \$5 maximum that can be paid to a precinct inspector.

(5) Existing law prohibits public district or municipal employees from receiving compensation from their employer when they receive compensation while serving as an election officer.

This bill would delete the above restriction.

(6) Existing law provides that all special elections shall be held on one of the established election dates and does not specifically provide for the consolidation of elections with statewide special elections.

This bill would allow special elections to be held on the date of any statewide special election and allow for the consolidation of elections with statewide special elections. It would also provide that if a statewide special election is called less than 88 days prior to the date of that election, a local governmental entity may call for a local special election to be consolidated with the statewide special election, if the call is issued within 4 days after the issuance of the Governor's proclamation or the effective date of a statute calling for a statewide special election

(7) Existing law requires the clerk conducting a city, county, district, school district, or community college district election involving a local measure, not less than 20 days before the clerk submits certain official election materials for printing, to make a copy of these materials available for public examination, and, upon the payment of an authorized fee, obtain a copy for use outside of the clerk's office. Any voter of the jurisdiction in which the local election is being held or the clerk himself or herself, is authorized to seek a writ of mandate or an injunction requiring any of its material to be amended or deleted during the 20-day examination period

This bill would revise the public examination period from a 20-day period to a 10-calendar-day period.

(8) Existing law governing municipal elections requires the city clerk to consolidate the notice of nominees with the notice of measure to be voted on into one notice.

This bill would require the consolidated notice to include the notice of election, rather than the notice of nominees, with the notice of measure to be voted on.

(9) Existing law allows local agencies to estimate the total cost of printing, handling, translating, and mailing a candidate's statement and allows those agencies to require each candidate to pay in advance to the local agency his or her prorata share as a condition for including the candidate's statement in the voter's pamphlet.

This bill would require the local agencies to prorate the refund to all candidates of any excess amount paid within 30 days of the election

(10) Existing law provides for the submission of a candidate's statement of the candidate's qualifications for inclusion in the voter's pamphlet

This bill would provide that those statements shall remain confidential until the expiration of the filing deadline

(11) The law presently requires voters to sign their name and address in the roster of voters before they receive a ballot at the polls on election day

This bill would specify that the voter shall sign his or her residence address.

(12) Under existing law counties using voting machines are authorized to enter their absentee ballots into the machines as a means of canvassing them.

This bill would allow the clerk in those counties using voting machines to start processing absentee ballots at 12:00 noon on the day before the election, but would prohibit entry into the machines until election day

(13) Existing law requires the clerk to retain custody of packages of materials used in an election, as specified

This bill would exempt from this requirement the rosters of voters used in an election

(14) Existing law which governs the question of the formation of a new county

prescribes the ballot questions to be presented to the voters

This bill would revise these ballot questions to be presented to the voters

(15) Existing law provides for the postponement of a judicial election from June to November under certain circumstances

This bill would provide that if a judicial election is so postponed persons who paid filing fees for the June election shall not be required to pay additional filing fees for the November election

This bill would also make various clarifying and nonsubstantive changes

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1115 (AB 1373) Hughes Student financial aid programs.

Existing law provides for programs of financial aid to students and, with respect to the determination of a student's financial need, that the income of an applicant's parents shall not be considered by the Student Aid Commission if, among other things, the applicant has not received more than \$750 per year in financial assistance from his or her parents.

This bill would raise the amount a student may receive from his or her parents to \$1,000, and would make this increase applicable to awards made for any term, semester, or quarter which began after August 1, 1981

This bill would require the commission, with the assistance of the Attorney General, to seek refunds on any awards to students which resulted from the student or his or her parents, or both, reporting incorrect information leading to the establishment of the student's financial eligibility to receive an award

Ch 1116 (AB 719) Deddeh Municipal courts. San Diego County

(1) Existing law provides for various court services by the sheriff's office and the marshal's office

This bill would provide for continuation of classifications, salaries, and benefits of the employees of those offices in the event they are consolidated, as specified

(2) Existing law provides for 5 municipal court judges in the South Bay Judicial District in San Diego County

This bill would increase the number of municipal court judges in the South Bay Judicial District in San Diego County from 5 to 6, and authorize the San Diego County Board of Supervisors to further increase the number to 7 judges upon the adoption of a specified resolution.

(3) Existing law provides for 6 municipal court judges in the El Cajon Judicial District in San Diego County, and authorizes the San Diego County Board of Supervisors to further increase the number to 7 judges upon the adoption of a specified resolution

This bill would increase the number of municipal court judges in the El Cajon Judicial District in San Diego County to 8

(4) Existing law specifies the number, classification, and compensation of municipal court personnel in San Diego County

This bill would revise the number, classification, and compensation of municipal court personnel in San Diego County

(5) Existing law provides for 41 superior court judges in San Diego County

This bill would increase the number of superior court judges in San Diego County from 41 to 42 operative July 1, 1982, and authorize a 43rd judge upon the adoption of a specified resolution by the board of supervisors

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement

is required by this act for a specified reason.

**Ch 1117 (AB 1212) McAlister. Real Estate.**

Under existing law, the definition of a real estate broker includes a person who engages as a principal in the business of buying from, selling to, or exchanging with the public, real property sales contracts or promissory notes secured by liens on real property, or who makes agreements with the public for the collection of payments or for the performance of services in connection with such contracts or promissory notes.

This bill would provide that for the purposes of defining the role of a real estate broker, the terms "sale," "resale" and "exchange" include every disposition of any interest in a real property sales contract or promissory note secured directly or collaterally by a lien on real property.

Existing law prohibits persons acting as real estate brokers in specified capacities from accepting any purchase or loan funds from a prospective purchaser or lender, or causing such funds to be held in escrow, unless it is in connection with a contract or note which the person is authorized to negotiate or sell, or other activities, as specified.

This bill would permit such activities where authorized by permit issued pursuant to the corporate securities laws or specified provisions relating to real property securities dealers.

This bill would also impose specified disclosure requirements upon a real estate broker who proposes to solicit and accept funds other than for fees, costs, expenses and commissions; to be applied to a purchase or loan transaction, as specified.

This bill would also provide that a person who acts as a real estate broker in certain specified capacities and who intends or expects to negotiate in any successive 12 months, any combination of new loans and sales or exchanges of existing promissory notes and real property sales contracts of an aggregate amount of more than \$2,000,000, is required to submit a proposed advertisement relating to certain real estate transactions to the Real Estate Commissioner for his or her approval, prior to its use. In addition, he or she would be required to file with the Department of Real Estate an annual report of an audit and a report relating to various aspects of the broker's business. The bill would also require such real estate brokers to deliver a disclosure statement, as specified, to a person who is solicited to make a loan secured by real property, to purchase a note secured by a deed of trust, or to purchase a real property sales contract.

This bill would authorize the Real Estate Commissioner to issue interpretive opinions with respect to specified provisions of the Real Estate Law.

Existing law requires certain real estate licensees to submit to the Department of Real Estate for clearance, a copy of any advertisement proposed to be used in connection with his or her mortgage loan brokerage activities. Existing law also requires these real estate licensees to make an annual report to the Real Estate Commissioner containing information with regard to the extent of advertising undertaken in anticipation of negotiating loans, the direct costs of negotiating loans, loan negotiation experience, and other related information.

This bill would eliminate these requirements.

**Ch 1118 (AB 1218) Young. Transportation. railroad property.**

Chapter 1130 of the Statutes of 1975, provides, among other things, for allocations by the Secretary of the Business, Transportation and Housing Agency to the Department of Transportation to undertake a program of projects for the extension of intercity rail passenger services provided by National Rail Passenger Corporation and the upgrading of other rail commuter services. Existing law also authorizes the secretary to make allocations for public transportation demonstration projects.

This bill would authorize the department to provide by contract with a railroad corporation that any tracks or signaling devices constructed, improved, repaired, or acquired with funds made available by the state on property owned or leased by the railroad corporation shall become the property of the railroad corporation.

**Ch 1119 (AB 1489) Greene. California Exposition and State Fair.**

(1) The California Exposition and State Fair is governed by an 11-member board of directors who serve as the policymaking body for the fair and have full responsibility for the management and operation of all of its facilities. In enacting Chapter 1148 of the

Statutes of 1980, the Legislature stated its intent that no changes be made in the uses of the flood plain on the fair property until the board has adopted a management plan for the flood plain complying with the Bushy Lake Preservation Act and the California Environmental Quality Act.

This bill would prohibit any changes in the uses of the flood plain on fair property until the board has adopted a management plan complying with the above requirements.

(2) Existing law makes it a misdemeanor for any person to represent that the State of California is sponsoring or endorsing a world's fair or exhibition unless the representation has been specifically authorized by law.

This bill would exempt the Board of Directors of the California Exposition and State Fair and its employees, as directed by the board, Members of the Legislature, and constitutional officers from this provision.

(3) Existing provisions of the Bushy Lake Preservation Act had required the Department of Parks and Recreation to preserve, with limited exceptions, the California Exposition flood plain for public day use and enjoyment and the Bushy Lake area in accordance with specified provisions. Chapter 1148 of the Statutes of 1980 transferred the California Exposition and State Fair property and the responsibility for its administration from the Division of Exposition and State Fair in the department to the California Exposition and State Fair.

This bill would transfer responsibility for preserving the California Exposition flood plain and the Bushy Lake area under the Bushy Lake Preservation Act from the department to the Board of Directors of the California Exposition and State Fair.

#### Ch. 1120 (AB 1518) Imbrecht. Corporations

Under the existing Corporate Securities Law of 1968, any offer or sale which does not involve a public offering, of any general partnership, joint venture or limited partnership interest or beneficial trust interest owned by a maximum of 5 persons, as specified, is exempt from the qualification requirements of the corporate securities laws.

This bill would eliminate these provisions and provide instead that the offer or sale of a security to no more than 35 persons, without the use of advertising, under specified circumstances, is exempt from the qualification requirements of the corporate securities laws. The bill would also authorize the Commissioner of Corporations to require the issuer to file a notice of the transaction, as specified, and would impose a penalty for failure to file such a notice when required by the rule of the commissioner.

Under existing law, a transaction involving a change in the rights, preferences, privileges, or restrictions of or on outstanding shares is exempted from the qualification requirements of the Corporate Securities Law of 1968, with the exception of specified changes should they materially and adversely affect any class of shareholders. Existing law provides that a change in preemptive rights is not exempt from qualification if it materially and adversely affects any class of shareholders.

This bill would provide that a change, addition, or deletion of preemptive rights which materially and adversely affects the shareholders is not a transaction which is exempted from the qualification requirements of the corporate securities laws.

Existing law provides that an agent who effects transactions on behalf of a broker-dealer who is registered under the federal corporate securities law and otherwise falls within the exemption from licensing under the Corporate Securities Law of 1968, is also exempt from licensing requirements.

This bill would repeal this provision.

Various general provisions of the corporate securities law relating to, among other things, consent to the appointment of the Commissioner of Corporations to service of process, the maintaining of records and filing of reports, the surrender of a licensing certificate upon suspension or revocation, and the prohibition against misrepresentation of approval by the commissioner, apply to an agent, broker-dealer and investment adviser.

This bill would eliminate the application of these provisions to an agent as defined by the Corporate Securities Law of 1968.

This bill would also make various nonsubstantive technical changes.

Under existing law, whenever it appears to the Commissioner of Corporations that any person has engaged in or is about to engage in any act or practice constituting a violation of the Corporate Securities Law of 1968, he or she may bring an action for injunctive

relief, which upon a proper showing, shall be granted. If the commissioner determines it is in the public interest, he or she may include in any such action for injunctive relief a claim for ancillary relief, including restitution or damages.

This bill would provide that in the action for injunctive relief, the court may grant such other ancillary relief as appropriate. This bill would also provide that the ancillary relief which may be granted shall include disgorgement.

Existing law does not provide for the imposition of a civil penalty for the violation of provisions of the Corporate Securities Law of 1968.

This bill would impose a civil penalty not to exceed the sum of \$2,500 for each violation of the Corporate Securities Law of 1968, which would be recoverable in a civil action brought by the Commissioner of Corporations, the Attorney General, or any district attorney, county counsel, or city attorney.

The bill would also specify the manner in which any penalties collected would be distributed as between the state, a county, or a city depending upon whether the action is brought by the commissioner, the Attorney General, a district attorney, a county counsel, or a city attorney.

Existing law provides for civil liability, criminal sanctions, and actions for restitution, damages, and injunctive relief brought by the Commissioner of Corporations on behalf of the people of the state, for violations of the Corporate Securities Law of 1968.

This bill would provide that the imposition of a civil penalty under this bill and other remedies under the corporate securities law are not exclusive and may be sought and employed in any combination to enforce the provisions of the Corporate Securities Law of 1968.

Under the federal Commodity Exchange Act which governs commodities transactions, the attorney general of any state, the administrator of the securities laws of any state, or any other official designated by a state, may bring a suit in federal court on behalf of the people of that state to enjoin acts constituting violations of the federal commodities laws, to enforce compliance with these laws, to obtain damages, or other appropriate relief.

Existing law does not specifically provide that the Commissioner of Corporations may bring suit in federal court on behalf of the people of the state pursuant to this provision of the federal commodities law.

This bill would provide that the Commissioner of Corporations may take such actions as are authorized by the federal Commodity Exchange Act.

This bill would also provide that this provision shall not be construed as a limitation on the powers of the commissioner under the Corporate Securities Law or any other law administered by the commissioner.

The bill would further provide that the Commissioner of Corporations is required to adopt emergency regulations to interpret and implement the provisions of the bill by November 1, 1981.

The bill would take effect immediately as an urgency statute but would become operative on November 1, 1981.

#### Ch. 1121 (AB 1527) Rosenthal Pharmacy license fees

Existing law requires every laboratory, as defined for purposes of the Pharmacy Law, using hypnotic drugs for scientific or teaching purposes to maintain an established place of business and register with the California State Board of Pharmacy.

This bill would revise that provision to provide that every laboratory using dangerous, rather than hypnotic, drugs for scientific or teaching purposes shall maintain an established place of business, keep purchase records, and, rather than register with the board, be subject to the jurisdiction of the board.

Existing law provides that the California State Board of Pharmacy may fix the fees for licenses and permits issued by the board not to exceed specified maximums.

This bill would revise the fee schedule by increasing the maximum amount which the board may fix for (1) a permit, and renewal thereof, to conduct a nongovernmental pharmacy and (2) the biennial renewal fee for a registered pharmacist until January 1, 1985, and on and after that date would reinstate the present maximum fees for those licenses and permits.

This bill would delete the additional fee for issuance of a certificate to any licensee and provide instead for a fee for an initial license to be fixed at an amount not to exceed

the biennial renewal fee

The bill would increase from \$20 to \$30 the fee for the reissuance of any permit, license, or certificate, or renewal thereof, which has been lost or destroyed or which must be reissued because of a change of information appearing thereon.

The bill would delete the fee for registration of a laboratory to purchase and possess controlled substances for scientific or testing purposes

The bill would also revise the fee schedule by providing for a biennial fee for renewal for registration of providers of continuing education.

**Ch. 1122 (AB 1590) Ingalls. Contractors**

Existing law provides that applicants for contractors' licenses may qualify by examination upon the appearance of specified qualifying individuals. Existing law also provides that an examination for a contractor's license may not be waived unless the applicant is a licensee or a qualifying individual who is applying for an additional license in the same classification.

This bill would provide instead that an examination for a contractor's license may be waived if the qualifying individual has previously qualified for and holds an active license, which is in good standing, in the same classification as the classification being applied for, or if the qualifying individual has, for 5 of the 7 years immediately preceding the application for licensure, been a member of the personnel of a licensee who holds an active license, which is in good standing, in the same classification as the classification being applied for.

This bill would provide, in addition, that an examination for a contractor's license for a licensed corporation which is seeking to replace its qualifying individual may be waived if the new qualifying individual is an employee of that corporation and, for 5 of the 7 years immediately preceding the application for the licensure, the qualifying individual has been employed by the corporation in a supervisory capacity in the same classification as the classification being applied for and the corporation has held a license in good standing in the same classification as the classification being applied for.

**Ch 1123 (AB 1881) Bosco Lake County flood control.**

Under existing law, the Lake County Flood Control and Water Conservation District is authorized to levy and collect, in accordance with prescribed procedures, benefit assessments within zones of the district

This bill would permit the county tax collector to collect benefit assessments of the district by way of the tax bills of the county.

**Ch. 1124 (AB 465) Costa. Contractors.**

Existing law provides that the Registrar of Contractors may, if there is probable cause to believe that a licensee has violated provisions of the Contractors' License Law which are grounds for revocation or suspension, issue a citation to such licensee which may contain an order of correction and a civil penalty, as specified

This bill would empower the registrar to, in addition, issue citations containing orders of abatement and civil penalties against persons acting in the capacity of or engaging in the business of a contractor within this state without having a license as specified.

Existing law exempts from the provisions of the Contractors License Law owners of property building or improving structures thereon provided the structures are not intended or offered for sale. Proof of sale or offering for sale of any such structure by the owner-builder within 1 year after completion is presumptive evidence that the structure was undertaken for purposes of sale.

This bill would provide that (1) proof of the sale or offering for sale of any such structure by the owner-builder within 1 year after completion constitutes a rebuttable presumption affecting the burden of proof that the structure was undertaken for purposes of sale, and (2) proof of the sale or offering for sale of 2 or more structures by the owner-builder within 1 year after completion constitutes a conclusive presumption that the structures were undertaken for purposes of sale.

This bill would further provide that specified individuals or groups shall be entitled to seek injunctive relief to prohibit contracting work by an owner-builder who is neither licensed nor exempt from licensure and would provide that the plaintiff or defendant shall be entitled to attorney's fees and all costs incurred in the prosecution or defense

of the action provided such person is the prevailing party.

In addition, this bill would provide that any person, firm, or corporation which has violated the provisions of the Contractors License Law by engaging in contracting work as an owner-builder without having a license or an exemption from licensure shall not be entitled to become a licensee under the Contractors License Law for a period of one year following such violation

#### Ch 1125 (AB 1675) Alatorre. Aerosol paint containers

Under existing law, every person who maliciously defaces with paint or any other liquid any real or personal property not his own, is guilty of vandalism, punishable by a fine, imprisonment, or both

This bill would require every retailer selling or offering for sale in this state aerosol containers of paint capable of defacing property to post in a conspicuous place a sign stating that any person who maliciously defaces real or personal property with paint is guilty of vandalism which is punishable by a fine, imprisonment, or both.

This bill would also provide that it is a misdemeanor for (1) any person, firm, or corporation, except a parent or legal guardian, to sell or give or in any way furnish to another person, who is in fact under the age of 18 years, any aerosol container of paint larger than 6 ounces (net weight of contents) capable of defacing property, without first obtaining bona fide evidence of majority and identity, as specified; (2) any person under the age of 18 years to purchase an aerosol container of paint capable of defacing property; (3) any person, unless authorized, as specified, to possess [carry on his or her person and in plain view to the public]\* an aerosol container of paint larger than 6 ounces (net weight of contents) while in any posted public facility, park, playground, swimming pool, beach, or recreational area, other than a highway, street, alley, or way, (4) any person under the age of 18 years to possess an aerosol container of paint larger than 6 ounces (net weight of contents) for the purpose of defacing property while on any public highway, street, alley, or way, or other public place, regardless of whether that person is or is not in any automobile, vehicle, or other conveyance.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 1126 (AB 1826) Farr. County funds: training supervisors-elect

Existing law authorizes the expenditure of county funds for training county officers and employees, but contains no express authority to expend county funds for training of newly elected members of the board of supervisors prior to their assumption of office

This bill would expressly authorize the expenditure of county funds for the training and orientation of persons elected to the county board of supervisors who have not yet assumed office when implemented by a specified ordinance.

#### Ch 1127 (AB 2000) Sher Air pollution: civil penalties.

(1) Present law authorizes the assessment of civil penalties not exceeding \$500 a day against persons who intentionally or negligently violate any regulation of the State Air Resources Board, an air pollution control district, or an air quality management district which relates to nonvehicular air pollution control or specified statutes regarding emission limitations

This bill would increase the civil penalties to not more than \$1,000 a day and would make all persons who violate any of the above regulations liable for a civil penalty. The bill would exempt a person from the civil penalty if the violation is caused by an act which was not the result of intentional or negligent conduct

(2) Under existing law, a court, in determining the amount of a civil penalty, is required to take into consideration all relevant circumstances, including, but not limited to, specified factors

This bill would specifically include among those factors the frequency of past violations, the record of maintenance, and the unproven or innovative nature of the control

equipment.

(3) Under existing law, one-half of the civil penalty collected in an action brought by the Attorney General on behalf of a district, and the entire civil penalty collected in an action brought by the Attorney General on behalf of the state board, are required to be deposited in the Air Pollution Control Fund, which is continuously appropriated to the state board to carry out its duties and functions

This bill would require these civil penalties to be deposited in the General Fund.

**Ch 1128 (AB 1494) Bane Lupus erythematosus**

Existing law authorizes the State Department of Health Services to contract with, or make grants to, facilities having research experience for carrying out programs for basic research on lupus erythematosus. The contracts or grants are to be approved and the programs are to be monitored by a specified committee.

This bill would change the committee to a board and authorize the board, by unanimous consent, to contract for the services of a part-time consultant or one of its members to monitor the research programs, analyze grant applications, perform duties prescribed by the board, and coordinate the functions of the board. Payment under the contract could not exceed \$19,000, as specified, and could not increase by an amount greater than the cost-of-living adjustments subsequent to July 1, 1981

**Ch. 1129 (AB 1825) Farr. Skilled nursing and intermediate care facilities**

Existing law provides that nonadministrative employees of skilled nursing facilities and intermediate care facilities shall be given an annual increase in wages and benefits pursuant to a specified formula. If these increases are not given, the facility shall be liable to the state for the amount of the wages and benefits not distributed, plus a penalty of 10%.

This bill would instead make the facility liable to the employees for the outstanding amounts. It would require payment of those amounts to the state for distribution, plus a 10% penalty to be retained by the state.

The bill would authorize the Labor Commissioner to conduct audits of skilled nursing facilities or intermediate care facilities for the purpose of establishing payment of increases in wages and benefits to employees

The bill would authorize the Labor Commissioner to collect from these facilities any wages less than those paid by the facilities; would require the recovered funds to be provided to the underpaid employees; and would also authorize the Labor Commissioner to impose any other penalties within his or her power against facilities violating the provisions on increases in wages and benefits.

This bill would provide that the amount of any penalties already paid to the State Department of Health Services or the Labor Commissioner for violating the wages and benefits provisions shall be deducted from the amount of any unpaid penalties imposed by the other.

This bill would make additional changes in Section 14170 of the Welfare and Institutions Code, proposed by AB 1913 to become operative only if this bill and AB 1913 are both chaptered and this bill is chaptered after AB 1913.

**Ch. 1130 (AB 131) Lockyer. Tax deductions and credits**

(1) Existing provisions of the Personal Income Tax Law and the California Bank and Corporation Tax Law authorize a deduction for all the ordinary and necessary expenses paid or incurred in carrying on any trade or business, including a reasonable allowance for compensation for personal services actually rendered

This bill would extend the deduction to any payments, reimbursements, or contributions to employees for child care, as defined

(2) Under the Personal Income Tax Law, a credit is allowed for taxes paid to another state. If the other state subsequently credits or refunds the taxes paid, the existing law imposes a tax equal to the credit or refund and assesses interest on the amount of tax due at the rate of 6% per year from the date the initial credit was allowed under the Personal Income Tax Law

This bill would allow a credit equal to the interest payable, as defined, resulting from credits and refunds of Alaska personal income taxes for the 1979 income year.

This bill would make additional changes in Section 17202 of the Revenue and Taxation



Code, as proposed by AB 1827, to be operative only if AB 1827 and this bill are both chaptered, and this bill is chaptered after AB 1827

The bill would take effect immediately as a tax levy

Ch 1131 (AB 688) McAlister. Insurance. fees.

Existing law provides for the imposition of various fees and other charges upon insurers for services rendered by the Department of Insurance.

This bill would impose new charges and fees for specified services and activities provided insurers by the Department of Insurance. It would also increase and delete various other charges and fees. It would also authorize the commissioner to publish a newsletter, as specified, and would provide that the costs of publication be included in the assessment of license fees. The fees would be reviewed annually and increased or decreased as necessary. The bill would also require the amount of the fees to be utilized for this purpose to be itemized separately in the department's annual budget.

Existing law authorizes a deposit of cash or approved securities or preferred stocks or specified share accounts by a worker's compensation insurer in lieu of a bond to protect beneficiaries.

This bill would also authorize that alternative deposit to consist of approved letters of credit, as specified, and approved stocks, as specified, and would authorize the deposits to be made with savings and loan associations.

Existing law provides for the payment of a specified fee by a workers' compensation insurer when depositing cash or other alternatives to a bond with the commissioner.

This bill would instead provide for the payment of these fees to the commissioner when making deposits to the State Treasurer, and would specify that these fees are to be paid to the commissioner for the costs of review and approval of deposits.

Existing law permits an underwritten title company to engage in the escrow business and act as escrow agent provided, among other things, that all escrow funds are deposited in a bank in a separate trust account.

This bill would specifically permit the funds to be deposited in a savings and loan association. It would also make related changes.

Ch. 1132 (AB 396) Vicencia. Taxation

Existing law establishes procedures which must be followed in challenging the assessment of property which is assessed by the State Board of Equalization, and with regard to hearings on such assessments.

This bill would revise such procedures.

Ch. 1133 (AB 475) N Waters. Mule racing

Existing law which authorizes the 18th District Agricultural Association to annually conduct a mule racing meeting as a pilot project for 5 years will be repealed on January 1, 1983. The California Horse Racing Board is required to administer the mule racing provisions and to issue licenses for the meeting and for trainers and jockeys.

This bill would delete the January 1, 1983, repeal date. The board would also be required to issue licenses to owners and other participants in mule racing.

Ch. 1134 (AB 12) McAlister. Unemployment compensation

(1) Under existing law, employees of other states or political subdivisions of other states who perform services within this state are generally covered under the unemployment compensation insurance law.

This bill would exclude these employees from coverage.

(2) Under existing law, an unemployed individual is eligible to receive unemployment compensation benefits during a period of training or retraining if the individual is unemployed because work opportunities in the individual's job classification are impaired by advancement in technological improvements and the effects of automation and relocation in the economy. Such an individual is not eligible for benefits when he is otherwise entitled to receive training or retraining benefits, allowances, or stipends pursuant to federal law.

This bill would also make such an individual eligible if work opportunities in the individual's job classification are impaired by foreign competition as set forth in petitions certified under the federal Trade Act of 1974. It would permit the individual to receive

benefits while also receiving payment for the costs of training pursuant to the federal act.

(3) Existing federal law provides that an employer may credit against the federal unemployment tax the amount of contributions paid by him into a certified state unemployment compensation law. A certified state unemployment compensation law must require, among other things, that unemployment compensation payable to an individual shall be reduced by the amount of any pension, retirement or retired pay, annuity, or other similar periodic payment which is received by the individual and is based on the individual's previous work. This reduction of benefits is limited by conditions specified in 1980 federal legislation.

This bill would clarify the state unemployment compensation law by expressly incorporating into the state law the conditions specified by the 1980 federal legislation.

The bill also would make technical and clarifying changes in the unemployment insurance law.

**Ch. 1135 (AB 434) Hannigan. Administrative adjudication of traffic infractions.**

(1) Existing law provides for an administrative adjudication of traffic violations as an alternative to criminal prosecution in pilot programs through July 1, 1984. Existing law provides, with specified exceptions, for penalty assessments on fines and forfeitures imposed in criminal proceedings, including traffic infractions.

This bill would conform the penalty assessments in the pilot program to recent changes in the penalty assessments in criminal proceedings.

(2) Existing law authorizes a person cited to appear for an administrative adjudication of a traffic safety violation to request adjudication by the court as an infraction, and in that event the Traffic Adjudication Board is required to refer the matter to the proper authority for prosecution.

This bill would specify that the request be made by signing a written promise to appear on a specified form and would provide for filing of the promise to appear and the notice to appear for administrative hearing in the court in that event. The bill would also provide that the notice to appear for administrative hearing would constitute a complaint in the criminal proceeding upon which a warrant may be issued for failure to appear in court pursuant to the promise to appear.

**Ch 1136 (AB 757) Hart. Schools' personnel proficiency.**

(1) Under existing law, the Commission for Teacher Preparation and Licensing establishes standards and procedures for the initial issuance and renewal of credentials.

This bill would, commencing March 1, 1982, prohibit the commission from issuing initially any credential, permit, or certificate to any person unless that person demonstrates proficiency in basic reading, writing, and mathematics skills in the English language. The bill would require the Superintendent of Public Instruction to adopt a state assessment instrument to measure these skills, with assistance from the commission and an advisory board, as specified. The bill would require the superintendent to adopt any normed test that he or she determines will sufficiently test these basic skills. The commission and superintendent would be responsible for implementing this requirement, as specified.

This bill would require the commission to administer the state assessment instrument at existing centers administered by the commission, and would require the commission to charge and collect a fee, not to exceed \$30, to individuals taking the test to cover specified costs.

(2) Existing law provides that the governing board of a school district may hire certificated employees and instructional and teacher aides as specified.

This bill would provide that, commencing March 1, 1982, a school district shall not hire a certificated individual, on a permanent, temporary, or substitute basis, or pay any aide in an instructional setting, unless he or she has demonstrated proficiency in basic reading, writing, and mathematics skills, as specified. The bill would permit school districts to charge aides, including prospective aides, taking the district's proficiency test a fee, not to exceed \$7, to pay for the costs incurred by the district in giving the test. The bill would also permit the charging of the fee to be negotiated between the district and the exclusive representative of instructional aides.

This bill would specify that these provisions would not apply to aides who receive 2

consecutive annual satisfactory performance evaluations, which include, among other things, assessment of basic reading, writing, and mathematics skills

(3) Under existing law, local staff development programs and resource centers are to provide ongoing opportunities to all those who work with pupils to improve instructional, counseling, and human development skills through locally designed staff development programs. Existing law also provides that each center shall be operated by a resource center policy board not to exceed 13 persons, and sets priorities in center funding.

This bill would repeal the limitation on the number of persons on the resource center policy board. It would also give priority in funding to centers established before January 1, 1981, as specified.

(4) Existing law provides for the establishment of professional development and program improvement centers to provide in-service training programs for teachers in kindergarten and grades 1 through 6, inclusive.

This bill would make various substantive changes in these provisions.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch. 1137 (AB 784) Levine. Taxation. energy conservation measures

The existing Personal Income Tax Law and Bank and Corporation Tax Law authorize until January 1, 1987, a credit of a specified amount for the cost of installing energy conservation measures on premises in California which are owned by the taxpayer.

This bill would make various supplemental and technical changes in these energy conservation tax credit provisions.

The existing Personal Income Tax Law allows as a depreciation deduction, a reasonable allowance for the cost of energy conservation measures over a 36-month period.

This bill would make that depreciation deduction applicable only to property used in a trade or business or held for production of income.

This bill would make additional changes in Sections 17052.8 and 23601.5 of the Revenue and Taxation Code, as proposed by SB 554, to be operative only if SB 554 and this bill are both chaptered, and this bill is chaptered after SB 554.

This bill would take effect immediately as a tax levy.

#### Ch. 1138 (AB 1453) Moore. Repossessors.

Existing law provides for the licensing and regulation of persons engaged in the business of repossessing personal property.

This bill would enact the Repossessors Act and would reenact specified provisions relating to repossessors. The bill would redefine specified provisions, including, among other things, provisions relating to private property and personal property, would require each branch office operated by a licensee to be licensed and each manager of a branch office to be qualified, as specified, and would provide for the assessment of specified administrative fines for specified violations. The bill would establish a fee for a repossession agency license and would specify other fees for repossessors.

Existing law provides that all money collected pursuant to provisions regulating repossessors is to be deposited in the Private Investigator Fund and is continuously appropriated to the Bureau of Collection and Investigative Services to carry out such provisions.

The fees and fines provided by this act would result in an increase in such fund.

This bill would also make conforming changes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement

is required by this act for a specified reason.

Ch. 1139 (AB 764) Costa State highways: signs

Under existing law, the Department of Transportation has full possession and control of all state highways and is responsible for placing and maintaining signs along state highways.

This bill would authorize the department to design, place, and maintain signs along state highways that are parallel or adjacent to [any]\* state-funded rail passenger route in existence on January 1, 1982, to inform motorists of ~~alternative~~ [state-funded rail]\* transportation services [if the placement or maintenance of those signs would not result in a loss of federal-aid highway funds. The signs would be information structures or signs under the Outdoor Advertising Act].

Ch. 1140 (AB 173) Young Mental health: Short-Doyle marriage, family and child counselors.

(1) Existing law specifically included marriage, family, and child counselors for various purposes under the county Short-Doyle Act

This bill would specify that the county Short-Doyle plan include the participation of marriage, family, and child counselors as are required or agreed to participate in the county Short-Doyle plan.

(2) This bill would make additional changes in Section 5650, of the Welfare and Institutions Code, proposed by SB 409, if this bill and SB 409 are both chaptered and this bill is chaptered last.

Ch. 1141 (AB 152) Deddeh. Property taxes: reassessment. changes in ownership of property.

Existing law provides for various methods in assessing real property when changes in ownership occur

This bill would make various substantive and technical changes in those provisions dealing with changes in ownership

Existing law provides for the filing of a change in ownership statement containing specified information whenever a change in ownership of real property or a mobile-home subject to local property taxation occurs, including a change in control of a corporation or other legal entity, as defined

This bill would recast and make various supplemental changes in these reporting provisions.

Existing law exempts from property taxation certain property used exclusively for religious, hospital, or charitable purposes

This bill would provide that property owned and operated by a nonprofit organization, otherwise qualifying for the so-called welfare exemption, shall be deemed to be exclusively used for hospital purposes so long as the property is exclusively used to meet the needs of hospitals, as specified

The bill would require the Controller to report to the Legislature on the amount of the claims made pursuant to Section 2229 of the Revenue and Taxation Code by county auditors for state reimbursement for property tax revenues lost by reason of this enactment

This bill would also incorporate additional changes in Section 62 of the Revenue and Taxation Code proposed by SB 1211, if both bills are chaptered and this bill is chaptered last.

Ch. 1142 (AB 1161) Moore. Probation

Under existing law, the county probation officer has discretionary authority whether to notify the presiding judge of the superior court when the available staff and financial resources are insufficient to meet his or her statutory or court-ordered responsibilities

This bill would require the county probation officer to notify the presiding judge and also the board of supervisors

Existing law does not authorize a person who has been convicted of a felony, or an offense in another state which would have been a felony in this state, to be a probation officer in a county probation department.

This bill would do so, if the person has been granted a full and unconditional pardon

as to the felony or the other offense

Existing law provides that, among other persons, any superintendent, supervisor, or employee having custody of wards in an institution operated by a probation department is a peace officer whose authority extends to any place in the state

This bill would extend peace officer status to any persons having custodial responsibilities of adults in institutions operated by a probation department. It also would specify that specified persons employed as peace officers are included within the term "county peace officer" for the purposes of the Public Employees' Retirement System.

This bill would specify a legislative finding and declaration that the safety of the public, the nature of the offense, the interests of justice, the loss to the victim, and the needs of the defendant are primary considerations in the grant of probation.

Existing law provides that persons placed on probation shall be under the supervision of the probation officer, except that in misdemeanor and infraction cases persons granted probation summarily are required to report only to the court and the probation officer is not responsible for supervision in those cases.

This bill would delete the reference to summary probation in misdemeanor and infraction cases and, instead, would authorize a court, in those cases, to grant conditional and revocable release in the community without supervision of the probation officer.

Existing law does not authorize a supplemental petition, for purposes of removing a minor from the physical custody of a parent, guardian, relative, or friend, to be filed on behalf of a minor on probation who is not also a ward of the court.

This bill would do so.

It also would make further changes in Section 777 of the Welfare and Institutions Code contingent upon the enactment and prior chaptering of SB 262.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

#### Ch 1143 (AB 2167) Costa Shared appreciation loans.

Existing law contains no provisions directly relative to an alternative mortgage instrument by which a lower than prevailing market interest rate is given on a loan for the purchase of residential property in exchange for a share in the future appreciation of the property.

This bill would enact a comprehensive scheme for providing "shared appreciation loans" by persons acting on behalf of pension funds subject to the Employee Retirement Income Security Act of 1974. A shared appreciation loan would be for the purchase of real property at an interest rate  $\frac{1}{4}$  lower than the prevailing interest rate in return for contingent deferred interest in the amount of  $\frac{1}{3}$  of the appreciation, to be paid by the borrower upon sale, when title is transferred, except as otherwise specified, when a lease with an option to purchase is entered into, when a partnership is formed which transfers the beneficial interest to another person, when a trust is created which affects title to the property, upon a judicial or nonjudicial foreclosure sale, upon full prepayment of the loan, or upon the maturity date of the loan, whichever first occurs. In the absence of any such event, the lender must offer refinancing of the balance of the loan and any contingent deferred interest, if the borrower so desires, for a period of at least 30 years.

The bill would exempt lenders making these shared appreciation loans from the usury provisions of the California Constitution.

The bill would also prescribe the required disclosure statement and schedules to be provided by a lender to a borrower upon making a shared appreciation loan. The provisions of the bill would become inoperative on January 1, 1990, except as to shared appreciation loans entered into prior to that date.

#### Ch 1144 (AB 2168) Costa Shared appreciation loans

Existing law contains no provisions directly relative to an alternative mortgage instrument by which a lower than prevailing market interest rate is given on a loan for the purchase of residential property in exchange for a share in the future appreciation of

the property.

This bill would enact a comprehensive scheme for providing "shared appreciation loans" by a lender at a fixed interest rate lower than the prevailing interest rate in return for the lender receiving a share of the appreciated value of the property, as specified, to be paid by the borrower upon a sale if the lender accelerates the principal balance of the loan, upon full payment of the loan, upon acceleration of the loan upon default, or upon the maturity date of the loan, whichever first occurs. If (1) the loan has an original term of less than 10 years, (2) if the property is not sold or transferred prior to the maturity of the loan, and (3) if the borrower is not then in default, the lender must offer or arrange for refinancing of the balance of the loan and any contingent deferred interest, if the borrower so desires, for a period of at least 30 years, except as otherwise specified, from the date of origination of the shared appreciation loan at an interest rate generally available in the market. The lender would be authorized to require as a condition of the refinancing loan that it be secured by a deed of trust having a lien of first priority.

The bill further prescribes the method of determining the fair market value of the security property and the value of capital improvements made by the borrower for the purposes of determining the amount of contingent deferred interest which will be owed to the lender. The bill also specifies the disclosure statement to be provided to the prospective borrower.

The bill would become inoperative on January 1, 1987, except as to shared appreciation loans entered into pursuant to its provisions prior to January 1, 1987.

Ch. 1145 (AB 1236) Thurman. Milk: classes: cheese.

(1) Existing law provides for the classification of market milk into 4 classes. Market milk used in the manufacture of cheese other than cottage cheese is included in class 4.

This bill would eliminate class 4 and instead create class 4a and class 4b. Class 4a would consist of all market milk currently in class 4 except for market milk used in the manufacture of cheese other than cottage cheese. Class 4b would consist of market milk used in the manufacture of cheese other than cottage cheese.

(2) Existing law regulates the contents of various sterilized milk products.

This bill would require that, except for sterilized flavored drink and sterilized milk drink mix, those products be produced using market milk and market cream.

(3) Existing law requires that sterilized milk drink mix be packaged in sterile hermetically sealed metal containers.

This bill would eliminate the requirement that these containers be metal.

(4) The provisions contained in (2) and (3) above would become operative either on January 1, 1982, or upon amendment by the United States Public Health Service of the Grade A Pasteurized Milk Ordinance pursuant to 1978 recommendations of the service relating to sterilized milk and milk products, whichever is later.

(5) This bill would also incorporate changes in Section 61935 of the Food and Agricultural Code proposed by AB 903, which would become operative only if this bill and AB 903 are both chaptered and this bill is chaptered last.

Ch. 1146 (AB 898) Young. Consumer credit

Under existing law, the finance charge on a retail installment contract which is determined by the precomputed basis may, until March 31, 1982, be assessed at  $\frac{1}{2}$  of 1% on the portion of the balance less than \$1,000 plus  $\frac{2}{3}$  of 1% on the portion of the balance in excess of \$1,000. On and after April 1, 1982, the finance charge which may be assessed on the portion of the balance less than \$1,000 may not exceed  $\frac{2}{3}$  of 1%.

This bill would instead provide that the finance charge may, until October 1, 1982, rather than March 31, 1982, be assessed at  $\frac{1}{2}$  of 1% on the portion of the balance less than \$1,000, and that, on and after October 1, 1982, rather than on and after April 1, 1982, the finance charge which may be assessed on the portion of the balance less than \$1,000 may not exceed  $\frac{2}{3}$  of 1%.

This bill would also provide that (1) with respect to a retail installment contract for the sale of household furniture, furnishings, or appliances by a seller whose gross sales during the immediately preceding 12-month period have not exceeded \$10,000,000, the finance charge may, until October 1, 1982, be assessed at  $\frac{1}{2}$  of 1% on the portion of

the balance less than \$3,000, plus  $\frac{3}{4}$  of 1% on the portion of the balance in excess of \$3,000, and (2) with respect to a retail installment account the outstanding balance of which was incurred only as a result of retail installment sales of household furniture, furnishings, or appliances by a seller whose gross sales during the 12-month period immediately preceding the imposition of the finance charge have not exceeded \$10,000,000, the finance charge may, until October 1, 1982, be assessed at 1 6% on the portion of the balance less than \$3,000, plus 1% on the portion of the balance in excess of \$3,000. The bill would make a legislative finding and declaration with regard to the need for these provisions.

Under existing law there is a Retail Credit Advisory Committee which is mandated to investigate the costs of providing consumer credit to California customers and to report to the Assembly Committee on Finance, Insurance, and Commerce and to the Senate Committee on Banking and Commerce on December 31, 1981, on the results of the study.

This bill would provide that the committee must, instead, report its preliminary report on March 31, 1982, and a final report on or before June 30, 1982, on the results of the study.

This bill would also appropriate \$57,445 from the State Banking Fund and \$57,445 from the Savings and Loan Inspection Fund to the committee for the purposes of carrying out the provisions of Section 1812.41 of the Civil Code.

This bill would also declare that it is the intent of the Legislature, if this bill and SB 979 are both chaptered and become effective on or before January 1, 1982, both bills amend Section 1805.1 of the Civil Code, and this bill is chaptered after SB 979, that Section 1805.1 of the Civil Code, as amended by Sections 1 and 2 of this bill, be further amended to incorporate the changes in Section 1805.1 proposed by SB 979.

#### Ch. 1147 (AB 2184) Hughes Dental assistants.

Existing law provides that the Board of Dental Examiners may license a person as a registered dental assistant who either has graduated from an approved educational program in dental assisting and passes an examination or has 18 months of satisfactory work experience and passes an examination.

The law requires the board, on and after July 1, 1981, to grant credit towards the 18 months' work experience to persons who have graduated from a dental assisting program in a postsecondary institution approved by the Department of Education, that is not, however, approved by the board, in a specified amount.

This bill would require the board to also grant credit towards the work experience to persons who have graduated from a dental assisting program in a secondary institution, regional occupational center or regional occupational program. The bill would require the board to notify any program the curriculum of which does not meet established minimum criteria.

#### Ch. 1148 (AB 1065) Rosenthal Health: laetrile.

Under existing law, a physician and surgeon licensed to practice in this state who is certified as a medical oncologist by the American Board of Medical Oncology may, under specified conditions, use laetrile for patients diagnosed as terminal by a physician and surgeon who is certified as a medical oncologist by the American Board of Medical Oncology.

This bill would, instead, require the physician and surgeon licensed to practice in this state to be certified in the subspecialty of medical oncology by the American Board of Internal Medicine.

#### Ch. 1149 (AB 1028) Levine. Child abuse prevention

Existing law provides for the establishment of 3 pilot projects for the detection of and correction of child abuse.

This bill would, instead, provide that pilot projects or technical assistance shall, at the discretion of the Office of Child Abuse Prevention, be undertaken in order to prevent or treat child abuse, either directly or using grants to or contracts with public or private agencies.

The bill would further provide that selection of projects shall be made by the State Department of Social Services, and would set forth specific criteria for selecting the

projects

Existing law provides for an Office of Child Abuse Prevention within the State Department of Social Services, to be administered by a coordinator appointed by the Director of Social Services

This bill would, instead, provide that the office shall be administered by a chief who is subject to civil service rules.

Existing law provides that the Office of Child Abuse Prevention shall apply for specified federal funds which shall be used to develop a training program for specified purposes, and to provide statewide coordination of education and information on child abuse prevention

This bill would, instead provide that these funds shall be used to provide technical assistance, either directly or through grant or contract, to child abuse entities involved in child abuse prevention

Existing law provides that statutes dealing with the establishment of the Office of Child Abuse Prevention shall be repealed on December 31, 1981.

This bill would extend the date of repeal to December 31, 1982

#### Ch. 1150 (AB 682) Young Workers' compensation

(1) Existing law permits the chairman of the Workers' Compensation Appeals Board to authorize its secretary and any one assistant secretary to act as deputy appeals board members.

This bill would instead permit the chairman of the appeals board to authorize its secretary and any 2 assistant secretaries to act as deputy appeals board members.

(2) Existing law requires that all oral testimony, objections, and rulings at hearings before the appeals board or a workers' compensation referee be taken down in shorthand by a competent phonographic reporter

This bill would require that reporters employed by the Administrative Director of the Division of Industrial Accidents shall render stenographic or clerical assistance as directed by the presiding workers' compensation referee of the office to which the reporter is assigned when that referee determines the reporter is not engaged in the performance of any other duty imposed by law

(3) Existing law permits the administrative director to employ workers' compensation referees taken from an eligible list of attorneys established by state civil service examinations conducted by the State Personnel Board on a nonpromotional basis

This bill would also permit the appeals board to establish procedures for the appointment of specified attorneys by the presiding referee of each board office to serve as a pro tempore workers' compensation referee in a particular case, upon the stipulation of the parties, to serve voluntarily and without pay

(4) Existing law requires the administrative director to set the fees for medical testimony necessary to prove a contested workers' compensation claim, and to set the level of fees for services of independent medical examinations

This bill would repeal these provisions until January 1, 1984.

(5) This bill would require the administrative director to appoint a Temporary Advisory Committee on Medical-Legal Expenses composed of 7 members from specified fields to advise and counsel the administrative director in a study, analysis, and evaluation of specified workers' compensation practices regarding medical fees. The administrative director would be required to report to each house of the Legislature in writing on or before March 31, 1983, respecting the results of the study and evaluation, including appropriate recommendations and supporting analysis. The committee would cease to exist on January 1, 1984.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.



**Ch. 1151 (AB 987) Chacon. Posting of gasoline price signs**

Under existing law, a place of business offering for sale or selling gasoline or other motor vehicle fuel which is situated at an intersection of streets is required to post, as specified, a price sign which is double faced and clearly visible from the two streets of the intersection adjacent to the premises

This bill would exempt from this sign posting requirement any place of business located in a city or county which had, prior to January 1, 1981, an ordinance prohibiting signs at such a location. In such a case, signs would be required to be posted which are clearly visible from each street of the intersection adjacent to the premises

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch 1152 (AB 428) Hart. Schools school employees' counselors school improvement plans.**

(1) Under existing law, information disclosed by a student 12 years of age or older in the process of receiving counseling from a school counselor of a school district or community college district is confidential and cannot be revealed, except under certain conditions

This bill would limit the confidential information to information of a personal nature disclosed by a student, or by the parent or guardian of a student, to a school counselor. The bill would allow disclosure of confidential information to psychotherapists, as defined, and the school or college nurse for the sole purpose of referring the student for treatment. The bill would also allow disclosure of confidential information to the principal or chief administrative officer or to the parents of the student, when the school counselor has reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or other persons living in the school community, and to the principal, parents of the student, and others when the information indicates that a crime will be, or has been, committed

This bill would prohibit disclosure of confidential information to the parents of the student when the school counselor reasonably believes that the disclosure would result in a clear and present danger to the health, safety, or welfare of the student

(2) Existing law provides for the development of school improvement plans by school site councils at individual schools.

This bill would require that improvement of pupil attendance be a component of school improvement plans.

**Ch 1153 (AB 1297) Levine. Corrections and probation officers' training.**

(1) Existing law authorizes the Board of Corrections, among other things, to develop and operate a professional certificate program for local corrections and probation officers.

This bill would authorize the board to develop and present training courses for those officers.

(2) Under existing law, certain penalty assessments are imposed on fines, penalties, and bail forfeitures for certain traffic offenses. On July 1, 1982, the percentage allocation to the Driver Training Penalty Assessment Fund will be increased and the percentage allocation to the Corrections Training Fund will be deleted. Moneys in these funds are continuously appropriated

This bill would extend the date of that change to January 1, 1983

The bill would require an amount equivalent to the funds deposited to the Corrections Training Fund during the period July 1, 1980, to December 31, 1980, to be transferred from that fund to the Assessment Fund, except as specified

This bill would incorporate changes to Section 1464 of the Penal Code proposed by AB 189 and SB 210 contingent upon their respective enactment.

Ch. 1154 (AB 2100) Papan. Insurance- California Insurance Guarantee Association.

Existing law, with regard to the obligations of an insolvent member insurer of the California Insurance Guarantee Association, defines "covered claims" as the obligations of an insolvent insurer, subject to certain specified conditions.

This bill would include within the definition of "covered claims," an insolvent insurer's obligation for unearned premiums

Existing law provides that a covered claim does not include adjustment expense and attorney's fees incurred by the insolvent insurer prior to the appointment of a liquidator

This bill would instead provide that a covered claim does not include any loss adjustment expenses, including adjustment fees and expenses, attorney's fees and expenses, court costs, interest, and bond premiums, incurred prior to the appointment of a liquidator

Existing law provides for the payment by member insurers of a premium to pay covered claims, but limits that premium for each member on account of a single insolvency in a particular category to 1% of the net direct premium written by the member in that category, and further limits that premium for each member in 1 calendar year to 2% of the net direct premium written by the member

This bill would instead limit that premium for a particular category to 1% of the net direct premium written by the member in that category and further limit that premium for 1 calendar year to 1% of the net direct premium written by the member in 1 calendar year.

Existing law provides that the association may exempt or defer the assessment of a member insurer if the assessment would cause the member's financial statement to reflect an amount of capital or surplus less than minimum required amounts

This bill would provide that during the period of deferment no dividends shall be paid

The bill would also provide for the recoupment of assessments paid by member insurers by way of a surcharge on premiums, as specified

The bill would make related changes.

Ch 1155 (AB 1118) Costa Elections.

Existing law makes it a misdemeanor for any person on election day to circulate an initiative, referendum, recall, or nomination paper within 100 feet of a polling place

This bill would, additionally, prohibit the circulation of any other petition

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1156 (AB 2232) Kapiloff. Boxing and wrestling

Existing law provides for the issuance of a transient club license by the State Athletic Commission which license authorizes the promotion of boxing and wrestling matches at more than one location, as specified

This bill would delete the transient club license provision.

Existing law prohibits the State Athletic Commission from issuing any license to conduct, hold, or give boxing contests, sparring or wrestling matches, or wrestling exhibitions except where the body or official in control of the building where the event is to be held presents a statement that the club conducting, holding, or giving the event has permission to use the building and provides that those events may be held in any building for which the commission may, in its discretion, issue a license

This bill would delete those provisions

Existing law provides for an annual license fee to conduct a professional boxing contest, a sparring or wrestling match, or a wrestling exhibition which fee ranges from \$50 to \$200 depending on the population of the city in which the event is held.

This bill would delete the different fees based on population and would provide that the annual license fee is to be \$100.

Existing law specifies the annual license fees for various individuals licensed by the State Athletic Commission.

This bill would revise those fees by increasing the annual license fees for professional

referees, professional and amateur judges, professional boxers, professional wrestlers, managers, trainers, seconds, matchmakers, and assistant matchmakers and would delete the license fee for announcers

Existing law requires any club conducting, holding or giving a boxing contest or sparring match to file a bond of \$2,000 as a condition of being granted a license.

This bill would increase that bond to \$10,000 and would provide for priorities in the payment of various taxes and contributions guaranteed by that bond and by amateur club bonds.

Existing law requires every club licensed by the State Athletic Commission to pay an admission tax of 1¢ for each 20¢ of the amount paid for admission and of the gross price for the sale, lease or exploitation of broadcasting or television rights without any deductions.

This bill would provide that professional boxing clubs shall pay an admission tax of 1¢ for each 50¢ of the amount paid for admission and broadcast or television rights and would authorize deductions from the gross receipts and the gross price for specified expenses incurred.

Existing law requires any person who charges or receives an admission fee for exhibiting a simultaneous telecast of any live, current, or spontaneous boxing or sparring match, or wrestling exhibition or performance, on a closed-circuit telecast viewed within this state to obtain a permit from the State Athletic Commission and provides for a fee for permits.

This bill would delete the fee for those permits and would provide that a "closed-circuit telecast" includes any telecast or broadcast, transmitted by any means, including subscription where an extra or additional fee is charged, except a cable television system franchised under Section 53066 of the Government Code, where an identifiable or particular fee is charged for the viewing within this state of a simultaneous telecast of any live, current, or spontaneous boxing or sparring match, or wrestling exhibition or performance.

Existing law prohibits any person under the age of 16 years from being admitted to a boxing contest, a sparring or wrestling match, or a wrestling exhibition unless accompanied by a parent or guardian.

This bill would delete that prohibition

Existing law prohibits any person from appearing in any amateur boxing contest or sparring match who prior thereto has received any compensation or reward for displaying, exercising or giving any example of his or her athletic skill, as specified, except that a medal or trophy having a value of not more than \$35 may be awarded to an amateur contestant.

This bill would make such prohibition apply to display or exercise of boxing skill rather than athletic skill and would exempt any actual expenses received by the amateur from such prohibition and would increase the value of the medal or trophy allowed to \$100.

Existing law contained in provisions administered by the State Athletic Commission and in provisions of the Penal Code specifies the maximum glove weight of contestants depending on the weight of the contestant and the maximum rounds and length of rounds of boxing contests.

This bill would require the State Athletic Commission, notwithstanding other provisions of law, to establish glove weights, equipment standards, and length of round and contest duration maximums within legal maximums set forth in law.

Existing law authorizes the promoters of wrestling exhibitions to appoint referees from a list offered by the State Athletic Commission.

This bill would require the promoters of a wrestling exhibition to provide a referee to manage the exhibition and to maintain order and protect the safety of participants and the audience.

Existing law prohibits a boxer or wrestler from being paid before a contest or wrestling exhibition except for a limited advance, as specified, and prohibits a boxer or wrestler from being paid for his or her services except in the presence of an inspector or representative of the State Athletic Commission

This bill would delete a wrestling exhibition from the prohibition of the prior payment and would delete wrestlers from the requirement of being paid before an inspector or representative of the commission.

Existing law prohibits payments to any coach, trainer, or manager of any amateur

boxer participating in an amateur contest other than actual traveling expenses and a sum not to exceed \$5 per day for the actual time spent in traveling for other expenses incurred.

This bill would authorize the State Athletic Commission to determine the amount to be paid per day for the other expenses incurred by the coach, trainer, or manager.

The bill would make other conforming and technical nonsubstantive changes.

**Ch. 1157 (AB 2225) Hughes Schools: school year**

(1) Existing law provides that, in order to receive any state apportionments, a school district shall maintain its schools for not less than 175 days during the fiscal year.

This bill would permit the Los Angeles Unified School District to operate an experimental or innovative program approved by the Superintendent of Public Instruction in one or more year-round schools of the district. The district would be required to maintain those schools for a specified minimum number of hours during the school year, but would be permitted to maintain those schools for less than 175 calendar days, so long as the number of instructional days is not less than 163 days.

An experimental or innovative program approved under this bill would be eligible for apportionment from the State School Fund.

This bill would require that the application for this program be limited to no more than 50 schools, and impose other, specified requirements. This bill would also provide that the program shall terminate on June 30, 1983. This bill would require the superintendent to report to the Legislature by January 1, 1983, on the effects of these programs on the academic achievement of participating students.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provided, in certain cases, for making claims to the State Board of control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

**Ch. 1158 (AB 2217) Campbell County Employees Retirement Law of 1937: disability.**

The County Employees Retirement Law of 1937 provides that an employer may not separate because of disability a member otherwise eligible to retire for disability but shall apply for disability retirement of any member believed to be disabled.

This bill would provide in counties in which the provision is adopted by the board of supervisors that, when a member appeals from a separation for disability, the official, the entity other than the retirement board, or the court appealed to shall transfer the proceedings to the retirement board for determination.

**Ch. 1159 (AB 2119) N. Waters. Water agencies**

(1) Under existing law, the Counties of Inyo and Mono are not authorized to construct facilities for the generation of hydroelectric power.

This bill would authorize the Board of Supervisors of Inyo or Mono County to construct, operate, and maintain facilities for generating hydroelectric power, and to use the power for its own purposes or for the production or transmission of water, or to sell power to a public utility or public agency.

(2) Under the San Joaquin County Flood Control and Water Conservation District Act, the San Joaquin County Flood Control and Water Conservation District is not authorized to construct facilities for the generation of hydroelectric power.

This bill would authorize the district to construct, operate, and maintain works for generating hydroelectric power, and to use the power generated for its own purposes or to sell the power to a public utility or public agency engaged in the distribution, use, or sale of electricity.

(3) The act authorizes the levy of assessments within zones of the district upon all property within the zone or upon all real property within the zone.

This bill would authorize the district to levy zone assessments upon land only, and would make related changes.

(4) Under the Sacramento County Water Agency Act, the Sacramento County Water

Agency is not authorized to construct facilities for generating hydroelectric power

This bill would authorize the agency to construct, operate, and maintain works for generating hydroelectric power, and to use the power generated for its own purposes or to sell the power to a public utility or public agency engaged in the distribution, use, or sale of electricity.

(5) Under the Tehama County Flood Control and Water Conservation District Act, the Tehama County Flood Control and Water Conservation District is authorized to issue bonds at not more than 5%, but is not authorized to construct facilities for generating hydroelectric power

This bill would authorize the district to construct, operate, and maintain works for generating hydroelectric power, and to use the power generated for its own purposes or to sell the power to a public utility or public agency engaged in the distribution, use, or sale of electricity.

The bill would raise the maximum interest rate on district bonds to 8%, would make the Revenue Bond Law of 1941 applicable to district bonds issued for the acquisition, construction, improving, or financing of any public improvement, and would make related changes with respect to issuance of district bonds

(6) Under existing law, with respect to the Sacramento-San Joaquin Delta levee maintenance, no reimbursement is made if the cost is \$500 or less per mile, reimbursement for all cost more than \$500 but less than \$1,000 per mile, and reimbursement for 50% of all cost if the cost is more than \$1,000 per mile

This bill would provide for no reimbursement for cost less than \$1,000 per mile and would limit the total annual reimbursement, to be paid from the Resources Account in the Energy and Resources Fund, to \$2,000,000

(7) The bill would take effect immediately as an urgency statute

Ch. 1160 (AB 2053) Frazee. Joint exercise of powers by public entities.

Existing law empowers any agency, commission, or board established pursuant to a joint powers agreement to issue revenue bonds to pay the cost and expenses of constructing, maintaining, and operating facilities for the (1) disposal, treatment, or conversion to energy and reusable materials of solid waste, and (2) generation or transmission of electrical energy for public or private uses

In the case of projects under (2) above, but not under (1) above, joint powers entities are expressly empowered to (a) issue notes for the purpose of financing studies, the acquisition of options, permits, and other preliminary costs incurred prior to the undertaking of construction or acquisition of a project, and to provide temporary financing of construction or acquisition, with such notes payable from the entities' revenues or from the proceeds of revenue bonds; (b) require additional specified items to be included in an authorization ordinance for a joint powers entity formed for such purpose and authorize such an entity to exceed the maximum amount of the ordinance under certain conditions, and (c) except bonds issued in installments from time to time for such a project or the costs of studies or other preliminary costs from the requirement of existing law that a separate authorization be required for each separate bond issue proposed by the entity

This bill would enact similar provisions for the projects described in (1) above

The bill would provide that, in the case of a project which consists of the generation or transmission of electric energy, only those local agencies which contract to make payments to be applied to the payment of the revenue bonds shall be required to authorize the issuance of the revenue bonds

Ch 1161 (AB 1921) Floyd Fire protection districts' employees.

Existing law defines employees for purposes of the Fire Protection District Law of 1961, Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code, to include, among others, firemen.

This bill would add firefighters to that definition

The existing Fire Protection District Law of 1961 permits any city, or portion thereof, to be included within a district and permits the district to condition such inclusion on a requirement that the city, among other things, pay the actual adjusted cost of the services provided by the district.

This bill would require the city to, instead, pay the annual adjusted cost of those

services

The bill would provide that the change would not entitle any person to any additional benefits.

Ch 1162 (AB 1670) Torres Facilities: child day care facility: county facilities.

(1) Chapter 102 of the Statutes of 1981, an urgency statute, enacted simplified licensure provisions for family day care homes for children, and appropriated \$4,100,000 from the General Fund for these purposes, excepting from that appropriation the pilot program of registration.

Chapter 102 of the Statutes of 1981 also exempted from the simplified licensure provisions any family day care home providing care for the children of only 2 families, including the operator's own children

This bill would, instead, exempt any family day care home providing care for the children of only one family, in addition to the operator's own family.

(2) Chapter 102 of the Statutes of 1981 also required the State Department of Social Services to establish staffing ratios for family day care homes, as specified.

This bill would delete the requirement for the department to establish staffing ratios for family day care homes

(3) Chapter 102 of the Statutes of 1981 authorizes the State Department of Social Services to contract with other state or public agencies to assumed specified licensing and approval of day care facilities for children, as specified. Specifically, approval for a license is conditional upon the submission of an application stating that the applicant and every other adult living at the same location has never been convicted of a crime, as specified. Chapter 102 of the Statutes of 1981 also requires the Department of Justice or the department to charge a fee for the fingerprinting of any operator or for obtaining a criminal record of any operator

This bill would, additionally, provide that if it is determined that the applicant or any other adult living at the same location does have a criminal record, the license would be suspended pending an administrative hearing, as prescribed. The bill would also prohibit those departments from charging a fee to the operator for the fingerprinting or for obtaining a criminal record.

(4) Chapter 102 of the Statutes of 1981 requires an applicant for an initial license to file with the State Department of Social Services certain specified information relating to the operator of a family day care home, including evidence of a current tuberculosis clearance for the operator

This bill would expand that requirement to include any adult in the home during the time that children are under care.

(5) Chapter 102 of the Statutes of 1981 requires site visitations, unannounced visits, and spot checks to be made for the renewal license of a day care center where the licensee has committed a major violation of present regulations, which has not been corrected at the time of the request for a renewal license.

This bill would delete those provisions.

(6) Under existing law, the board of supervisors in each county, prior to closing a county hospital or other county medical facility, eliminating any area of service in a county hospital or other medical facility, or reducing the level of services provided to indigents as of a prescribed date or prior to leasing, selling, or in any way transferring the management of a county hospital or other county medical facility, is required to file with the State Department of Health Services and the appropriate areawide voluntary health planning agency a plan of a description of the county's existing facilities and copies of any contracts, agreements, or arrangements with any facility or individual to provide services to indigent people. The county is also required to hold a public hearing and make certain findings.

This bill would require the department to determine if any plan filed by a county having a population in excess of 6,000,000 residents will have a detrimental impact on health care needs of the indigents of the county, as specified.

(7) Under existing law, certain day care facilities for 6 or fewer children are considered a residential use of property for purposes of local zoning ordinances

This bill would require that family day care homes for children be considered a residential use of property for purposes of local zoning ordinances

This bill would also make void every provision in a written instrument relating to real

property entered into on or after the effective date of this bill which purports to forbid or restrict the conveyance, encumbrance, leasing, or mortgaging of such real property for use or occupancy as a family day care home for children and make void every restriction or prohibition in any such written instrument as to the use or occupancy of the property as a family day care home for children. It would also make void every restriction or prohibition entered into on or after the effective date of the bill, whether by covenant, condition upon use or occupancy, or upon transfer of title, which restricts or prohibits directly, or indirectly limits, the acquisition, use, or occupancy of such property for a family day care home for children.

**Ch. 1163 (AB 1260) Torres. Public social services**

Existing law authorizes the Commissioner of Corporations, upon request of the State Director of Health Services, to exempt from provisions of law governing health care service plans any pilot program contracting with the State Department of Health Services to deliver health care services under the Medi-Cal program, subject to conditions the commissioner deems appropriate.

This bill would require the commissioner to exempt any county-operated pilot program contracting to deliver health care services under the Medi-Cal program, and would authorize the exemption of noncounty pilot programs upon request of the director. The exemptions would be subject to such conditions as the director deems appropriate.

Existing law contains provisions allowing the State Department of Health Services to recover, under specified circumstances, money for payments received under the Medi-Cal program from estates of decedents at least 65 years of age.

Existing law further provides that upon the death of persons who have or may have received Medi-Cal services, representatives of these persons must notify the State Department of Health Services of their death within a period of 30 days.

This bill would provide that notice must be given within a period of 90 days as specified, and would authorize, instead of requiring, the department to waive its claim in the case of substantial hardship to dependents.

Existing law provides that Medi-Cal recipients who are not in possession of specified means of identification shall be supplied by the State Department of Health Services with Medi-Cal identification cards.

This bill would provide that these provisions do not apply to specified categories of Medi-Cal recipients.

Existing law provides that it shall be the responsibility of Medi-Cal providers to verify a Medi-Cal person's identity prior to rendering services, as specified, and that under certain circumstances a provider must attempt to retain an individual's Medi-Cal card.

This bill would specify that this responsibility shall only be placed upon the provider when it has been notified that cards have been issued, and when the services being rendered are of a nonemergency nature.

This bill would eliminate the requirement that a provider must attempt to retain an individual's Medi-Cal card.

Existing law defines a medically needy family person, for purposes of Medi-Cal eligibility, as a person whose income and resources are insufficient to pay for health care coverage.

This bill would include therein a person defined in federal regulations as optional categorically needy.

Existing law contains provisions modifying the manner in which reimbursement for hospital inpatient services under the Medi-Cal program is determined for the 1981-82 fiscal year.

This bill would modify these provisions.

Existing law provides that the Attorney General, or counsel for the fiscal intermediary for the Medi-Cal program with the permission of the Attorney General, or a county through its legal adviser may institute legal actions against third parties or insurance carriers to obtain reimbursement for services provided under the Medi-Cal program for which a third party is liable.

This bill would also permit these actions to be brought by a contractor as specified.

Existing law requires a copayment of \$1 for specified Medi-Cal outpatient services, and excepts a person under age 12 or a woman receiving perinatal care therefrom.

This bill would also make exception for any person who is an inpatient in a specified facility and exempt from the copayment provisions children in foster care who are recipients of aid to families with dependent children, as defined

Existing law provides that in the event a provider of Medi-Cal services prevails in an appeal of a determination to disallow a Medi-Cal payment made to the provider and recovery of the disallowed payment has already been made by the department, the provider shall be entitled to interest at a specified rate commencing on the date the appeal is formally accepted by the department

This bill would provide that the date upon which interest shall accrue shall be the later of either the date payment is formally accepted by the department, or the date payment is received by the department

Existing law authorizes the director to file a certificate with the county clerk, and requires the county clerk to enter a judgment, against a health care services provider for the amount of overpayment to the provider

This bill would authorize a claim for interest thereon, and would authorize the department to adjust payments to the provider, under specified circumstances, to insure that no overpayment is made

Existing law provides that the State Department of Mental Health and the State Department of Health Services shall jointly conduct county programs which consolidate mental health funds expended by the Medi-Cal and Short-Doyle programs for specified purposes

This bill would provide that the State Department of Mental Health shall conduct these programs in consultation with the State Department of Health Services and would establish an advisory committee to advise the State Department of Mental Health concerning these pilot projects

The bill would make further technical changes in statutes relating to the Medi-Cal program

This bill would exempt adult day health care programs from the provisions of law regulating health care service plans

Existing law provides that the State Department of Health Services shall, by October 1, 1981, enter into at least 2 contracts with private organizations for recovery of claims for services under the Medi-Cal program for which the state may be able to receive reimbursement Except under specified circumstances, claims which are older than 12 months shall not have to be acted upon by the contractor

This bill specifies that the 12-month period begins when the department or its fiscal agent has first made payment for medical services related to the personal or workers' compensation action

Existing law provides that contractors for recovering reimbursable claims shall report periodically to the department

This bill would specify that reports and other information shall only be required at monthly intervals

Existing law further permits the department subsequent to the expiration of the contracts for recovering reimbursable Medi-Cal claims, to enter into an additional agreement to attempt to recover upon reimbursable Medi-Cal claims

This bill further specifies procedures which must be followed in entering into this additional agreement, and provisions which shall be followed by the contractor

The bill would appropriate specified nonfederal and federal funds, if received, for expenditure for the purposes of medical care and services, as specified

The bill would provide that regulations implementing this act shall be enacted as emergency regulations

The bill would take effect immediately as an urgency statute

#### Ch 1164 (AB 1261) Torres Medi-Cal

Existing law states that specified funds may be expended by counties for purposes of alcohol, drug abuse, and mental health programs

This bill would limit the purposes for which these funds may be expended to alcohol programs

Existing law provides that the Director of Health Services may postpone use of elective Medi-Cal services under specified conditions, and require prior authorization for these services, except when the service costs less than \$100 or a lower amount if so



determined by the director.

~~This bill would provide that the exception to the elective services which cannot be postponed by the director does not include prescription drugs not listed on the Medi-Cal drug formulary.\*~~ It would require the department to develop procedure codes for the foregoing equipment or services to expedite the processing of claims therefor, and, until the procedure codes are implemented would require a provider to bill, and the fiscal intermediary to pay, at the manufacturer's suggested retail price

This bill would also require that Medi-Cal services for beneficiaries eligible for services under the California Children's Services Act shall be subject to prior authorization by the director, and claims for payment shall be subject to postpayment audit review by the department. It ~~should~~ [would]\* also provide that the California Children's Services program may require applicants who are potentially eligible for public assistance to apply for Medi-Cal prior to becoming eligible for funded services. ~~It would also authorize the California Children's Services program to condition financial eligibility for this program for public assistance recipients, upon application, for Medi-Cal benefits.\*~~

Existing law provides that in order to give specified services to Medi-Cal recipients, Medi-Cal providers shall obtain prior authorization from Medi-Cal field offices through treatment authorization requests

This bill would require the State Director of Health Services to establish a pilot project in the San Francisco Medi-Cal field office for testing of a micrographics document location and retrieval system, in order to reduce treatment authorization request requirements.

The bill would require the director to report to the Legislature on the progress of the project by July 31, 1982.

Existing law does not specifically prohibit emergency certification statements for hospital inpatient claims which have been reviewed and approved, by the department for appropriateness of emergency admission or length of stay

This bill would so provide

The bill would provide that the Director of Health Services shall report to the Legislature by December 31, 1981, on the feasibility of an automated treatment authorization request reporting system

This bill would, in addition, require the director to establish a schedule of differential reimbursement rates for surgery procedures, by May 1, 1982

The bill would provide that regulations promulgated to implement this act shall be emergency regulations

#### Ch 1165 (AB 1550) Hughes Housing

(1) Under existing law the Department of Housing and Community Development administers housing loan, grant, and assistance programs, including administration of contracts by the director of contracts for housing or shelter and services for migratory agriculture workers

This bill would repeal and reenact the provisions for contracts for housing or shelter and services for migratory agricultural workers into the Health and Safety Code. The bill would authorize the director to adopt regulations deemed necessary to provide those housing services. The bill would delete the requirement for the Governor to appoint a local advisory board for evaluation of applications for the assistance under those provisions

(2) Under existing law the department administers an assistance program for persons requiring continuing care and mentally disordered, developmentally or physically disabled persons, applies for and distributes federal funds for those purposes, and contracts with local agencies for those purposes

This bill would recast those provisions and add nonprofit corporations to the entities which may contract with the department for programs other than those for persons requiring continuing care under these provisions

(3) Under existing law, the department makes loans, grants, and other financial assistance and subsidy programs to provide housing to specified classes of people. For such purpose, the housing sponsor contracts with the department

This bill would add limited equity housing cooperative, as defined in the bill, to the housing sponsors for those housing programs, excepting those applying to owner-occupied housing developments, and the bill would include those housing sponsors in the

migratory workers program and the assistance program for the disabled because the bill would relocate those programs into the part of the code affected by this provision of the bill. The bill would also add nonprofit student housing cooperative to the nonprofit sponsors who may receive assistance pursuant to those programs. The bill would also include cooperative housing developments, limited equity housing developments and rental housing developments in the definition of owner-occupied housing developments for the purpose of housing assisted by the department.

Existing law defines the terms "housing development," "housing sponsor," "owner-occupied housing development," and "residential structure" for purposes of the Zenovich-Moscone-Chacon Housing and Home Finance Act.

This bill would limit the application of these definitions for the purposes of that act to housing assisted by the department.

The bill would also authorize the director to appoint committees of department employees and public representatives to assist in administration of the department's loan and grant programs, the public members of which would be reimbursed for all necessary expenses but would serve without compensation.

(4) Existing law authorizes the department to agree to provide staffing to assist the federal Farmers Home Administration for specified federal housing grant and loan programs and to conduct other specified federal programs. Existing law also requires the department to make annual reports of federal funds granted.

This bill would authorize the department to agree to provide staffing to assist any government agency in the conduct of federal loan and grant programs for persons and families of low or moderate income, and to conduct any federal program. The bill also would authorize the department to make these reports, as necessary, on use of any selected federal program funds used in redevelopment project areas.

(5) Among the various housing funds administered by the department is the Land Purchase Fund. The bill would rename the Land Purchase Fund which is administered by the department to be the Rural Land Purchase Fund. The bill would also require the security for a Rural Land Purchase Fund loan for a land purchase to be the security interest determined by the department as adequate, instead of requiring a first deed of trust.

(6) Under existing law, the department may obtain federal relocation assistance for persons subject to potential displacement from public and private actions.

This bill would also authorize that action for persons subject to actual displacement.

(7) Under existing law, the department may make loans for rehabilitation of residences in rehabilitation areas, and, for a nonoccupying owner of a residence, to defer payment on those loans for 5 years, renewable for 3 added 5-year terms. Under the Demonstration Housing Rehabilitation Program for the Elderly and Handicapped, nonprofit sponsors may obtain loans of 100% of fair market value and cost of rehabilitation. Other sponsors of the demonstration programs may obtain up to 90% of that amount.

Under the existing law, a deferred payment rehabilitation loan may be made only through an agreement between a funded local public entity, as defined, and an owner or between a funded nonprofit corporation and an owner.

This bill would require, for a deferred payment rehabilitation loan, that any agreement between a funded nonprofit corporation and an owner be approved by the local public entity.

The bill would also permit longer deferment than 5 years on a specified determination of the department and authorize renewal for the nonoccupying owner for 5 added 5-year terms, and limits the maximum term to 30 years instead of 25 years for sponsors of demonstration programs. The bill would also authorize local public entity sponsors of the demonstration programs to obtain loans of 100% of fair market value and cost of rehabilitation and owner-occupants in specified areas to obtain deferred payment loans.

(8) Under existing law the California Housing Advisory Service in the department is required to provide information to owner-builders and self-help rehabilitators. This program will terminate on January 1, 1982.

This bill would delete that termination date.

(9) This bill would also revise and delete obsolete terms, reorganize and recast certain provisions relating to housing programs, and make related technical and conforming changes.

(10) Under existing law a local advisory board of specified representation is required

to be included by the department in the planning, implementation, and evaluation of each local program receiving grants under the California Low-Income Home Management Training Program

This bill would change the composition of the advisory board

(11) The bill would require the programs provided for in this bill be performed with specified funds

Ch 1166 (AB 1176) Ingalls. State transportation improvement program supplementary projects

(1) Existing law requires the California Transportation Commission to adopt, annually, a 5-year state transportation improvement program which includes all funds to be allocated by the commission for all major projects during the succeeding 5 years

This bill would require the commission to adopt, as part of the state transportation improvement program, a list of supplementary projects for which the Department of Transportation would be required to perform project development work. The list would be restricted to new facilities, operational improvements, and exclusive public mass transit guideway projects for which project development requires 5 or more years.

(2) Existing law requires the Department of Transportation to report quarterly to the California Transportation Commission and the Legislature on project development staffing, and on the project development schedule and the advertising schedule on all projects of \$1,000,000 or more, with respect to the department's efforts to accelerate specified project development work.

This bill would repeal these provisions

Ch 1167 (AB 861) Ingalls Auditor General federal grants

Existing law does not provide procedures for the coordination of state financial and compliance audits performed by the Auditor General, Controller, Director of Finance, internal auditors of the state agencies, and independent public accountants

This bill would so provide

The bill would also require any amount received by the state for an audit required by federal law or regulation to be deposited in the Federal Trust Fund

Ch 1168 (AB 739) Ingalls Auditor General

(1) Existing law provides that legislative records, as defined, are open to inspection except as specifically limited. Certain records of the Auditor General are declared to be public records.

This bill would declare certain records of the Auditor General to be legislative records and would make corresponding technical, clarifying changes.

(2) Existing law provides access to the Auditor General to examine specified records and property of any state agency and any public entity which receives state funds but prevents access to certain confidential records.

This bill would remove this limitation unless access to the Auditor General is specifically prohibited and would authorize access, as specified, to the Auditor General to records and property to which employees of an agency or entity which is subject to audit or investigation have access.

(3) Existing law requires the Auditor General to make audits and investigations of public entities which receive state funds, as may be requested by the Legislature or any committee of the Legislature, however, no specific provision is made for the audit by the Auditor General of contracts involving the expenditure of state funds entered into by public entities which receive state funds.

This bill would require that these contracts which require an expenditure of more than \$10,000 of state funds contain a provision making the contracting parties subject to audit and examination by the Auditor General, as specified.

(4) Existing law authorizes any state executive department head to take the deposition of any person in any matter pending before the department upon application to and approval by the Superior Court in the County of Sacramento.

This bill would extend the same authority to the Auditor General.

(5) Existing law which will remain in effect only until January 1, 1982, unless a later enacted statute, which is chaptered before that date, deletes or extends that date, authorizes the Joint Legislative Audit Committee, through the Auditor General, to

investigate and report improper government actions to the Attorney General or other appropriate authority.

This bill would extend indefinitely the effectiveness of these provisions, authorize the committee itself to act, and make related changes

(6) Existing law requires the Department of Finance to count, at least twice each year and without prior notice to the State Treasurer, the money in the Treasury, as specified, and state money outside the Treasury, as specified, and to prepare, file, and publish a related affidavit.

This bill would require the Auditor General, instead, to perform these duties.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1987, the provisions contained in the bill for which state reimbursement is required.

#### Ch. 1169 (AB 1379) Chacon. Bilingual teacher training

(1) Existing law requires that all principal teachers providing instruction to pupils of limited-English-proficiency in authorized programs of bilingual-crosscultural instruction shall be bilingual-crosscultural teachers, as defined, or shall be bilingual and hold an internship credential or an emergency bilingual-crosscultural credential. Under existing law, school districts may request renewable waivers for each teacher who is not bilingual-crosscultural, but who is enrolled and participating in a program leading toward a certificate of competence, as specified. This bill would establish the State Bilingual Teacher Training Assistance Program to be administered by the State Department of Education for teachers who are under waiver. This bill would require the department to conduct appropriate training programs or to contract with designated agencies or consortia for the provision of training services in accordance with specified evaluative criteria. This bill would direct training programs primarily toward school districts with high concentrations of pupils of limited-English-proficiency and teachers under waiver. This bill would require that the department prepare and submit to the Legislature an annual report regarding the implementation of the program, and would require that contractors submit specified data to the Superintendent of Public Instruction for purposes of this report.

(2) This bill would reappropriate, from a specified appropriation in the Budget Act of 1981, \$782,250 from the General Fund to the State Department of Education, without regard to fiscal years, for training programs established under this act, \$55,000 of which would be allocated for administrative costs.

#### Ch 1170 (AB 1231) Agnos. Motor vehicles: scale facilities

Existing law permits any traffic officer to stop and inspect or weigh any vehicle suspected of having an unsafe or unlawful load, and the officer may require that the vehicle be driven to the nearest scale facility within 5 miles.

This bill would authorize selected inspection facilities and platform scales operated by the Department of the California Highway Patrol to be open for extended hours up to 24 hours a day at the discretion of the Commissioner of the California Highway Patrol. The bill would specify that an amount not to exceed \$1,000,000 shall be available annually from the Motor Vehicle Account in the State Transportation Fund, upon appropriation by the Legislature, for the expanded operation of these scale facilities, as specified in this bill. It would state the intent of the Legislature that the funds thus made available shall be the only funds available for these purposes.

## Ch 1171 (AB 189) Cortese Courts

Existing law, operative upon the adoption of a specified resolution of the board of supervisors thereof, establishes a surcharge of limited duration on criminal fines in the County of Los Angeles or in the City and County of San Francisco and provides for the deposit of specified amounts into the Courthouse Temporary Construction Fund to be established in their county treasuries, as specified

This bill would revise the surcharge authorized, and provide for an increased penalty assessment, to be collected under such provisions, and would enact similar provisions with respect to a surcharge, and increased penalty assessment, for the construction, reconstruction, expansion, or improvement of county criminal justice and court facilities, and the improvement of criminal justice automated information systems, as specified

The bill would also provide that any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the Criminal Justice Facility Temporary Construction Fund must comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections. The bill would make related changes

The bill would also incorporate changes to Section 1464 of the Penal Code proposed by SB 210 and AB 1297, contingent upon their respective enactment

## Ch 1172 (AB 1095) McCarthy Contractors' license enforcement

Existing law provides that any person without a valid state contractor's license who employs any worker to perform services for which such a license is required is subject to a civil penalty of \$100 per employee for each day of such employment

This bill would require the civil penalties collected to be deposited in the Industrial Relations Construction Industry Enforcement Fund which would be created by the bill. The fund would be used for the purpose of enforcing the labor laws relating to mandatory itemized wage statements for employees paid in cash and prohibited employment by unlicensed contractors, as appropriated by the Legislature

## Ch 1173 (AB 385) Hannigan California Coastal Commission regional commissions local coastal programs coastal development permits

The California Coastal Act of 1976 provides for the establishment of the California Coastal Commission and 6 regional coastal commissions, with prescribed memberships, to administer its provisions, which provide for the planning and regulation of development within the coastal zone, as defined, based on various coastal resources planning and management policies set forth in the act. It provides for the termination of the regional commissions under designated conditions, but not later than June 30, 1981. The act requires each local government lying within the coastal zone to prepare a local coastal program, in compliance with these policies, for that portion of the coastal zone within its jurisdiction, and provides for the approval and certification of any program by the regional commissions and the commission, respectively. It requires any person who is to perform or undertake any development, as defined, to obtain a coastal development permit authorizing the development which must be in conformity with these coastal resources planning and management policies. The act provides for judicial review and enforcement of the act

This bill would revise and restate, with various substantive changes, the provisions of the act, including, generally, the following

- (1) Delete the provisions dealing with the regional coastal commissions and their powers and responsibilities
- (2) Provide for the transfer of obligations, powers, duties, responsibilities, benefits, or legal interests of regional commissions to the commission
- (3) Modify the prescribed procedures for the preparation, submission, and certification of local coastal programs, and the provisions dealing with local zoning ordinances, zoning district maps, and other implementing actions
- (4) Require the commission to establish, as prescribed, a schedule for the submission of local land use plans and provide for the certification of these plans within the prescribed time schedule and in accordance with designated procedures
- (5) Prescribe designated actions which the commission may take if a local government fails to meet the prescribed time schedule in connection with the submission of its land use plan
- (6) Revise the provisions delegating the coastal development permit authority to

local governments for proposed developments within the coastal zone.

(7) Modify the appeal procedure to the commission under the act.

(8) Revise the provisions exempting various prescribed developments from the coastal development permit requirements of the act.

(9) Revise the judicial review and enforcement procedure under the act.

(10) Make various conforming changes in, and delete certain obsolete provisions of, the act

(11) Make various designated provisions of the bill inoperative on the date, if any, of a final judicial decision that they are inconsistent with the requirements of the Federal Coastal Zone Management Act of 1972.

#### Ch. 1174 (AB 1023) Thurman. Records.

(1) Existing law prohibits the destruction of specified records less than 2 years old, with certain exceptions.

This bill would, except as specified, authorize the head of a department of a city, county, or city and county, public safety communications center, or the head of a special district to destroy recordings of telephone and radio communications after 100 days.

(2) Existing law provides for the destruction of superior court records after a period of 5 years has elapsed since the papers in a domestic relations action or proceeding were filed, and after a period of 8 years has elapsed since the papers in any other action or proceeding were filed.

This bill would, except as specified, provide for the destruction of superior court records after a period of 5 years has elapsed for papers in any action or proceeding, and would authorize the transfer of superior court records to a city or county museum under specified circumstances

(3) Existing law provides, with specified exceptions, that the clerk of the superior court shall keep a register of actions in which shall be entered the title of each cause, with the date of its commencement and a memorandum of every subsequent proceeding in the action, with its date.

This bill would make the keeping of such a register at the discretion of the clerk of the superior court, rather than mandatory.

(4) Existing law provides that, in lieu of maintaining a register of actions, the clerk of the superior court may maintain a register of actions by means of photographing, microphotographing, or mechanically or electronically storing the whole content of all papers and records, or any portion thereof as will constitute a memorandum, necessary to the keeping of a register of actions so long as the completeness and chronological sequence of the register are not disturbed.

This bill would, except as specified, authorize, as such an alternate register of actions, the storing of the content of all papers and records specified.

#### Ch 1175 (AB 984) Thurman Agriculture

(1) Under existing law, all proprietary information obtained by the Kiwifruit Commission the commission or the Director of Food and Agriculture from producers or handlers of kiwifruit is confidential and may not be disclosed except when required in a judicial proceeding

This bill would include all lists of producers which are in the possession of the commission or director as materials which must be kept confidential. The bill would permit any person subject to the laws relating to the commission to personally inspect any such list under specified conditions

(2) The bill would urge the University of California, in cooperation with the United States Department of Agriculture, the Department of Food and Agriculture, the University of California Extension Service, county farm advisors, and county agricultural commissioners, to inventory the significant walnut growing areas of California to determine the full extent of the blackline disease. The university would be urged to complete the inventory and report its results to the Legislature on or before September 1, 1982.

The bill would appropriate \$40,000† from the university's 1981-82 General Fund support appropriation to carry out the provisions of this act

These provisions would not become operative unless additional funding in the amount

† Appropriations in Sections 13 and 14 of chapter deleted by action of the Governor

of at least \$25,000† is made available either through assessments on walnut producers or through funds generated from a federal marketing order which regulates the handling of walnuts grown in California.

(3) Under existing law, farm products processors and produce dealers must be licensed by the Department of Food and Agriculture and pay a prescribed license fee and a fee to the Farm Products Trust Fund.

This bill would make it unlawful for a licensee that has changed its legal entity to continue to operate after the change without obtaining a new license. However, the new entity may, upon a showing of no substantial change in financial resources and liabilities, petition the Director of Food and Agriculture to grant a new license retroactive to the first day of the month during which the change occurred. If the new license is granted, the applicant would be required to pay specified fees and accept conditions on the license, as specified.

(4) Under existing law, moneys deposited in the Farm Products Trust Fund may only be used to pay for farm products grown or produced within California which have not otherwise been paid for.

This bill would provide that claims made against the trust fund may include charges for services which by custom of the trade are incidental to the sale and generally accepted as being included in the purchase price.

(5) Under existing law, a creditor may not be paid for a claim made against the Farm Products Trust Fund if the claim is based on a transaction with a person who was not subject at the time of the transaction to the provisions governing the trust fund.

This bill would repeal those provisions disallowing a creditor's claim and, instead, provide that a claim against the trust fund may be paid only if the claim is based on a transaction with a processor, dealer, broker, or commission merchant who was licensed at the time the contract was entered into or at the time of delivery of the farm products. The bill would also require that a claim be disallowed in any case where the Director of Food and Agriculture has notified the creditor before delivery that the license authorizing the contract has been revoked or suspended, or the creditor has independent knowledge of the revocation or suspension, and the creditor makes delivery with that notification or independent knowledge. Additionally, the director would be authorized to disallow any claim, in whole or in part, upon a finding of lack of good faith in entering into a contract, collusion to violate the provisions relating to the licensing of farm products processors and produce dealers, or fraud against the trust fund.

(6) Under existing law, every person who manufactures or distributes commercial fertilizer, agricultural minerals, packaged soil amendments, or auxiliary soil and plant substances is required, before engaging in this activity, to obtain a license from the director for each plant or business location from which he or she operates, unless that person makes only retail sales of these items which are labeled in a specified manner.

This bill would exempt a person who only distributes the above-stated items from the requirement that he or she obtain a license from the director.

(7) Existing law requires each person licensed to manufacture or distribute the items listed in (6) above, except for packaged soil amendments, to pay to the director an assessment not to exceed 2 mills per dollar of sales for all sales of these items to unlicensed retailers and consumers in California.

This bill would instead require each manufacturer or label guarantor to pay to the director an assessment not to exceed 2 mills per dollar of sales for all sales in this state of packaged commercial fertilizers, agricultural minerals, or auxiliary soil and plant substance products. Each person licensed to manufacture or distribute the above-stated items would be required to pay a 2-mills per dollar of sales assessment for all sales of bulk commercial fertilizers, agricultural minerals, or auxiliary soil and plant substance products to unlicensed purchasers in California if the assessment was not already paid pursuant to any other related requirements of law.

(8) Existing law requires specified persons licensed to manufacture or sell the items listed in (6) above who are selling or distributing a commercial fertilizer or agricultural mineral, or both, to submit a summary report on a form approved by the director containing specified information.

† Appropriations in Sections 13 and 14 of chapter deleted by action of the Governor

This bill would provide that the tonnage of specialty fertilizers and agricultural minerals packaged for nonfarm use shall be reported by the manufacturer or guarantor of those products in a manner required by the director by regulation

Ch 1176 (AB 92) Lehman Schools administrative employees contracts special education

(1) Existing law prescribes the maximum ratio of administrative employees to each 100 teachers in the various districts

This bill would make these provisions inapplicable to any school district which has only 1 school and 1 administrator

(2) Existing law requires the superintendent of schools of each county to superintend the schools of that county Existing law also provides that the governing board of any school district is liable for all debts and contracts of the district not in excess of the school moneys accruing to the district usable for those purposes

This bill would require the county superintendents of schools and the governing boards of school districts to examine the abilities of employees of the districts of the county and of adjoining counties, to examine the abilities of employees of the office of the county superintendent of schools of the county and of adjoining counties, and to comply with specific procedures, prior to contracting for personal consulting services, except legal services and services for the fiscal audit by a private auditing firm

(3) Existing law authorizes a school district, special education services region, or county office to contract for nonpublic nonsectarian school services, including services by public and private agencies, when no appropriate public education program is available Existing law also prescribes procedures for making and performing these contracts

This bill would authorize those agencies to contract with a hospital to provide designated instruction and services, as defined, required by the individual with exceptional needs, as specified in the individualized education program However, this bill would prohibit these agencies from contracting with a sectarian hospital for instructional services, and would permit contracts with hospitals for the designated instruction and services only when no appropriate public education program is available

This bill would require that the contracts with hospitals be subject to the same procedures that are contained in existing law for contracts for nonpublic nonsectarian school services

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1177 (AB 921) Vicencia Fire and panic safety regulations

(1) Under existing law, state agencies may adopt rules and regulations to interpret and make specific the programs administered by them, including the Commission of Housing and Community Development and the State Fire Marshal

This bill would expressly restrict the authority of the commission to adopt regulations relating to fire and panic safety and, instead, require those regulations be adopted by the State Fire Marshal The bill would, with specified exceptions, also make any regulation adopted, amended, or repealed, which is filed with the Office of Administrative Law and the Secretary of State and intended to promote fire and panic safety, valid and effective only if adopted or approved in writing by the State Fire Marshal The bill would provide that the regulations existing on the effective date of the bill would remain in effect until amended, repealed, or superseded by regulations adopted by the State Fire Marshal

(2) Existing law prescribes the fees for fireworks licenses

This bill would increase the fee for a retailer firework license from \$10 to \$100 on January 1, 1982, and the fees for licenses for manufacturers, wholesalers, and importers or exporters of fireworks as specified, effective July 1, 1982

The bill would also increase the license fee for agricultural and wildlife fireworks licenses from \$25 to \$100 on July 1, 1982 The bill would require revenues from the



increases to be used for specified purposes.

These provisions of the bill would become operative only if SB 999 of the 1981-82 Regular Session is chaptered and becomes effective on or before January 1, 1982.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1178 (AB 1369) Hughes. Community colleges financial support: governing boards: student members

(1) Existing law requires the governing board of each community college district to order the inclusion within the membership of the governing board one or more nonvoting student members, as prescribed

This bill would authorize the governing board of a community college district, in its discretion, to permit, among other things, the student member or members to make and second motions, to attend executive sessions, except as specified, and to receive compensation

(2) Existing law authorizes the president of any community college to admit to the summer session of the college as a special student any student, with parental consent, whose admission to summer session is recommended by the principal of the school which the student attends.

This bill would authorize the president of any college to admit to the summer session any student, with parental consent, whose admission is recommended by the principal, who has demonstrated adequate preparation in the discipline to be studied, and who has availed himself or herself of all opportunities to enroll in an equivalent course at his or her school.

Under current law, the attendance as a special summer session student, of a student who has completed the 11th grade, at the community college is credited to the district maintaining the college for purposes of state apportionments.

This bill would credit for apportionment purposes the attendance as a special summer session student, of a student who has completed the 10th grade, at the community college

(3) Current law specifies alternative definitions of a credit course for the purposes of the provisions of law which require courses of instruction and educational programs prepared under the direction of the governing board of a community college district to be submitted to the Board of Governors of the California Community Colleges for approval.

This bill would repeal the alternative definitions of a credit course on April 1, 1982, if the board of governors adopts a program classification system by April 1, 1982.

(4) Existing law requires the Chancellor of the California Community Colleges to collect information on course offerings and activities for each community college district based on a program classification system adopted by the Board of Governors of the California Community Colleges

This bill would require the board of governors to collect data on all programs, courses, and classes offered by community college districts in both credit and noncredit modes and would further require the board to develop classification criteria to establish uniformity of classification of credit and noncredit modes among all districts by July 1, 1982

(5) Chapter 103 of the Statutes of 1981 prescribes a method of computing the base revenues of community college districts for the 1981-82 and 1982-83 fiscal years, including the computation of specified incremental costs based on changes in credit and noncredit average daily attendance and different support levels for credit and noncredit average daily attendance

This bill would limit to 102.5% the increase in statewide average daily attendance used for apportionment purposes

This bill would require community college districts which provided child development programs in the 1980-81 fiscal year to maintain a specified level of local general fund contributions for those programs in the 1981-82 fiscal year

This bill would revise the computation of specified incremental costs based on changes in credit and noncredit average daily attendance

This bill would make various technical changes in the computation of district base revenues.

This bill would make provision for the adjustment of district base revenues in the event General Fund appropriations and local property tax revenues exceed the amount necessary to fund the computed base revenues and would allocate those excess revenues to restore specified deficits

This bill would require the chancellor, in the 1982-83 fiscal year, to increase district revenues for urban districts that meet certain requirements regarding enrollment and student eligibility for financial aid for the 1981-82 fiscal year

(6) Existing law requires the governing board of each community college district, on or before the 15th day of August each year, but no later than September 12 in a specified circumstance, to prepare and keep on file for public inspection certain statements of preceding fiscal year receipts and expenditures and estimated total expenses for the current fiscal year

This bill would extend the date from the 15th of August to the 15th of September and would repeal the provision providing for a September 12 date in a specified circumstance.

(7) Existing law provides for a publication budget and adoption of a tentative and final budget for community college districts.

This bill would repeal these provisions and would, instead, prescribe a similar method of adopting tentative and final budgets on or before specified dates, including public hearings to be held on proposed budgets for the ensuing fiscal year.

(8) This bill would provide that no more than \$9,947,000 of a specified Budget Act appropriation be available for the purpose of funding certain apprenticeship instruction

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(10) Specified provisions of this bill would be deemed operative for the entire 1981-82 fiscal year

Ch 1179 (AB 1305) Moore Community colleges affirmative action projects

Existing law transfers from the General Fund to the Community College Fund for Instructional Improvement a specified amount for use by the Board of Governors of the California Community Colleges

This bill would reappropriate from the Community College Fund for Instructional Improvement to the Chancellor of the California Community Colleges, for the 1981-82 fiscal year, the sum of \$222,000 and, for the 1982-83 fiscal year, the sum of \$111,000 for support of 3 student affirmative action pilot projects, as specified, and for the 1981-82 fiscal year, the sum of \$32,556 for administrative costs of providing technical support and statewide coordination

This bill would also declare legislative intent regarding the purpose of student affirmative action projects

This bill would require the California Postsecondary Education Commission, by December 31, 1983, to report to the Legislature on the effectiveness of student affirmative action projects in the community colleges

Ch 1180 (AB 207) D Stirling Paternity blood tests

Existing law provides that the issue of a wife cohabiting with her husband, who is not impotent or sterile, is conclusively presumed to be a child of the marriage. However, notwithstanding the above presumption, if the court finds that the conclusions of all the experts, as disclosed by the evidence based upon blood tests performed pursuant to the Uniform Act on Blood Tests to Determine Paternity are that the husband is not the

father of the child, the question of paternity of the husband shall be resolved accordingly. A notice of motion for blood tests must be raised by the husband and not later than 2 years from the date of birth of the child. The foregoing exception to the conclusive presumption does not apply to any case which has reached final judgment of paternity on September 30, 1980.

This bill would also authorize the mother of the child to raise a motion for blood tests if the child's biological father has filed an affidavit with the court acknowledging paternity. It also would make the exception inapplicable to designated cases involving artificial insemination or conception by means of a surgical procedure with the consent of the husband, and would make technical changes.

Ch. 1181 (AB 607) Berman. Local agency formation commission.

(1) Local agency formation commissions, referred to as LAFCO's, are created in each county under existing law, pursuant to the Knox-Nisbet Act, to perform specific functions, including, generally, the power to review and approve or disapprove proposals to reorganize various agencies of local government. Existing law generally requires that the LAFCO in each county consist of 5 members, including 2 members appointed by the board of supervisors from its own membership, 2 members representing cities in the county, and 1 member representing the general public.

This bill would, instead, require that the LAFCO in any county with a population in excess of 4,000,000 persons (Los Angeles County) consist of 7 members, including 3 members appointed by the board of supervisors (2 from its own membership and 1 who is a resident of the San Fernando Valley Statistical Area, as defined), 2 members representing cities in the county, 1 member representing a city in the county having a population in excess of 30% of the total population of the county (the City of Los Angeles), and 1 member representing the general public.

The bill would also add cross references to the above provisions in other sections of the law relating to LAFCO's.

(2) Currently, the expenses of a local agency formation commission are payable by the county.

This bill would require, in the case of a 7-member commission created by the bill, that the additional amount payable or paid by the county for that portion of the commission's expenses attributable to the additional 2 members be reimbursed by the City of Los Angeles.

(3) This bill would incorporate additional changes in Section 54780 of the Government Code, proposed by Assembly Bill 2003, to be effective only if Assembly Bill 2003 and this bill are both chaptered and become effective January 1, 1982, and this bill is chaptered last.

(4) This bill would incorporate additional changes in Section 54784 of the Government Code, proposed by Assembly Bill 1158, to be effective only if Assembly Bill 1158 and this bill are both chaptered and become effective January 1, 1982, and this bill is chaptered last.

(5) This bill would incorporate additional changes in Section 54784 of the Government Code, proposed by Assembly Bill 2004, to be effective only if Assembly Bill 2004 and this bill are both chaptered, or to be effective only if Assembly Bill 1158, Assembly Bill 2004 and this bill are chaptered, and become effective January 1, 1982, and this bill is chaptered last.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1182 (AB 50) Lockyer. Toll bridges. maintenance costs. toll charges.

(1) Existing law requires the California Transportation Commission to pay the cost of maintenance of all toll bridges under its jurisdiction out of money in the State Highway Account in the State Transportation Fund.

This bill would instead require the commission to fund the cost of maintenance for

each toll bridge under its jurisdiction from the same source used to fund that maintenance cost during the 1980-81 fiscal year.

(2) The commission, in establishing toll charges, is required to consider the operation and maintenance costs of any particular toll bridge or highway crossing, including insurance costs, operation and maintenance cost of specified ferry services, and bond redemption and interest amounts.

This bill would require the commission to consider, in setting toll charges for any particular toll bridge within the area under the jurisdiction of the Metropolitan Transportation Commission, the amount required to meet the annual operation cost. The bill would exclude maintenance costs from consideration in establishing toll charges for those toll bridges and would make related changes. The commission and the Metropolitan Transportation Commission, in establishing toll charges for those toll bridges, would be required to maintain the net revenues, as defined, to be used exclusively for transit capital improvements. The net revenues may not exceed the average financial commitment to transit capital improvements from toll revenues for the 1977-78 and 1978-79 fiscal years, adjusted annually to the appropriate inflationary index adopted by the Metropolitan Transportation Commission. The operating cost would include insurance and the redemption of bonds and interest charges of the bonds for which the tolls are pledged as security, and specified loan repayments.

(3) The bill would prohibit the issue of any new bonds secured by tolls of a bridge or highway within the area under the jurisdiction of the Metropolitan Transportation Commission, except for bonds to finance completion of the new Dumbarton Bridge and the payment of specified loans by the Richmond-San Rafael Bridge.

(4) The bill would prohibit any new loans from the General Fund or the State Highway Account in the State Transportation Fund for any toll bridge or toll highway in the state within the area under the jurisdiction of the Metropolitan Transportation Commission.

#### Ch. 1183 (AB 1010) Wray. Rail passenger service development

(1) Existing law relating to the Department of Transportation states various legislative findings and declarations regarding the role of the state in transportation.

This bill would add an additional finding and declaration to the effect that it is the role of the state to develop a rail passenger network, as specified.

(2) Existing law provides for the appropriation of funds to the department for purposes of implementing certain federal funds pursuant to the Urban Mass Transportation Act of 1964.

This bill would require the Governor to include in the Budget Bill an appropriation from the Transportation Planning and Development Account in the State Transportation Fund for subsidizing operating costs of commuter and intercity passenger service and for capital improvements to intercity routes, to be allocated by the California Transportation Commission on recommendation of the department. It would specify the ratio of revenues to costs which both existing and new intercity services and commuter services would be required to achieve after 3 years of operation in order to continue eligibility for these funds. It would require the department to consult with the county transportation commission and the transportation planning agency affected by any proposed commuter rail service and to notify them prior to any allocation being made for this purpose. It would specify that funds may be appropriated from the Transportation Planning and Development Account to the Public Utilities Commission for its statutorily specified passenger rail responsibilities.

(3) Under existing law, the department may enter into contracts with railroads to provide passenger service pursuant to the Rail Passenger Service Act of 1970 or otherwise, acquire and improve passenger terminals, and provide intermodal passenger services along designated corridors.

This bill would provide, in addition, that, the department may request a railroad to institute operating efficiencies other than with respect to operating crew size and, if refused, to apply to the Public Utilities Commission for an order instituting them. The department would be authorized to construct, acquire, or lease and improve and operate rail passenger terminals and related facilities along specified corridors.

(4) Existing law requires the department to prepare various reports and analyses and to assist transportation planning agencies.

This bill would direct the department to prepare a rail passenger development plan annually for submission to the Legislature, the Governor, the Public Utilities Commission, and the California Transportation Commission consisting of various specified elements and considerations of rail passenger service

(5) Under existing law, the department may acquire, lease, design, construct, and improve track lines and related facilities.

This bill would, in addition, permit the department to contract with the private sector for the design, improvement, or construction of track lines and related facilities.

(6) Under existing law, the department is authorized to acquire abandoned railroad lines having rights-of-way that may be developed for public transportation purposes.

This bill would authorize the department, on its own initiative or at the request of a transportation planning agency, county transportation commission, or metropolitan transit development board, to acquire abandoned or proposed to be abandoned rail freight lines which may potentially be rebuilt into joint freight and passenger rail transit lines, to develop plans and specifications for these purposes or to contract with the private sector for the plans and specifications, and to prepare procedures for the reinstatement of passenger service subject to approval of the Public Utilities Commission.

(7) Existing law requires the California Transportation Commission to assist the Legislature in formulating and evaluating state policies and plans for transportation programs within the state.

This bill would also require the department to prepare an annual report for the Legislature, the Governor, the Public Utilities Commission, and the California Transportation Commission, including a map and a list of existing and proposed intercity and commuter passenger rail routes together with those that are the subject of feasibility studies.

(8) Existing law requires the Public Utilities Commission to take into account the availability of any public subsidies or other forms of support for interurban rail passenger services in any rate proceeding.

This bill would also direct the commission to give consideration to the establishment of intermodal facilities and order their construction. It would direct the department to prepare and submit to the commission on or before July 1, 1982, recommended train crew guidelines for proposed intercity and commuter services pursuant to specified levels and stated conditions. It would also direct the commission to prepare, in consultation with the department, and adopt, by December 1, 1982, passenger rail service criteria and costing standards and methodologies for commuter service which includes those issued by the Rail Service Planning Office of the Interstate Commerce Commission and which specifies the compensation of railroad corporations for avoidable capital and operating costs for levels of service which may be required by the commission.

(9) Under existing law, public entities in counties which have approved the use of motor vehicle fuel tax for exclusive public mass transit guideway purposes, and public entities in nonurbanized areas within the jurisdiction of a specified transportation planning agency, may apply to the department for funds in the Transportation Planning and Development Account available for these purposes.

This bill would also permit the department to apply for those funds.

(10) The bill would require the Legislative Analyst to submit an annual report to the Legislature on the act, with the first report submitted not later than April 1, 1984.

#### Ch 1184 (AB 1959) Katz. Subdivisions

(1) Under existing law, any parcel of land created prior to March 4, 1972, resulting from a division of land in which fewer than 5 parcels were created, is conclusively presumed lawfully created if at the time of creation there was no local ordinance regulating divisions of land creating fewer than 5 parcels.

This bill would also presume lawfully created any parcel created prior to March 4, 1972, and acquired by a subsequent purchaser for valuable consideration without knowledge of a violation of the Subdivision Map Act or local ordinance enacted pursuant thereto, but would require that the owner of the parcel, prior to obtaining a permit or approval for development of the parcel, obtain a certificate of compliance or conditional certificate of compliance regarding compliance with the Subdivision Map Act and local ordinances.

(2) Existing law permits a final subdivision map or parcel map which has been filed

to be corrected or amended to correct certain errors and omissions

This bill would, in addition, permit modification of a final subdivision map or parcel map after filing by a certificate of correction or an amending map, if authorized by local ordinance, if the local agency finds that there are changes in circumstances which make any or all of the conditions of the map no longer appropriate or necessary and that the modification imposes no additional burden on the fee owner of the property, and if the modifications do not alter any right, title, or interest in the real property, and the map, as modified, conforms to existing statutory provisions for approval of a tentative or final subdivision map.

**Ch. 1185 (AB 965) Young. Air pollution: motor vehicles**

(1) Existing law relating to vehicular air pollution control states that the Legislature finds and declares that the California goal for pure air quality is the achievement, by 1975, of an atmosphere with no significant detectable adverse effect from motor vehicle air pollution

This bill would repeal this provision.

(2) Existing law requires the State Air Resources Board to adopt and implement emission standards for new motor vehicles.

The bill would prohibit the state board, unless it provides for optional specified standards, from adopting oxides of nitrogen emission standards which are more stringent than 0.7 grams per vehicle mile for gasoline-powered passenger vehicles prior to the 1986 model year, and which are more stringent than 1.0 gram per vehicle mile for gasoline-powered light-duty and medium-duty vehicles of less than 4,000 pounds unladen weight prior to the 1986 model year. The state board would be required to submit a report to the Legislature not later than January 15 of the year at least 2 calendar years prior to the production year if it intends by regulation to eliminate the optional standards for 1986 and later model-year vehicles.

(3) Existing law prohibits the state board from certifying any new motor vehicle or new motor vehicle engine, unless the vehicle or engine meets the emission standards adopted by the state board.

This bill would require the state board to adopt certification and enforcement regulations for future model years as soon as practicable, but not later than for the 1983 and subsequent model years, which would allow a manufacturer to certify federally certified light-duty motor vehicles in California when their emissions are offset by the manufacturer's California certified vehicles with emissions below applicable state standards. The exemption would not apply to emergency vehicles, as defined

(4) Existing law requires the state board to adopt regulations for the testing of motor vehicles on assembly lines.

This bill would require the state board regulations to provide for reduced testing of vehicles contained in large engine families under certain conditions.

**Ch 1186 (AB 2185) Vasconcellos. Fiscal affairs: federal funds**

Existing law provides for the receipt and distribution of federal funds by the state.

This bill would set forth findings and declarations of the Legislature with respect to federal block grants, would state the intent of the Legislature regarding federal funds received for the 1981-82 fiscal year, and would provide for the administration of these funds. The bill would create a block grant advisory task force, as specified, to monitor state and local agency compliance with the provisions of the bill, gather specified information and hold public hearings thereon, prepare recommendations for legislative policy deliberations, and report to the Governor and the Legislature. The bill would also provide for an advisory committee, to be appointed by the Governor, to provide advice to the Superintendent of Public Instruction, the State Board of Education, the Governor, and the Legislature regarding federal funds.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234,

but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs





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**DIGESTS OF RESOLUTIONS  
ADOPTED IN 1981  
1981-82 REGULAR SESSION**

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**RESOLUTION CHAPTERS**

Res. Ch. 1 (SCR 3) Robert. Legislative Counsel of California.

This measure designates Bion M. Gregory as Legislative Counsel of California.

Res. Ch. 2 (ACR 3) Papan. Legislative compensation.

This measure would implement Chapter 1213 of the Statutes of 1980 by authorizing each Member of the Legislature, at his or her option, to elect to receive one or more employee benefits, as specified, in lieu of a portion of his or her annual compensation. The measure would provide that the respective Rules Committees of each house of the Legislature would provide for the manner of such election.

Res. Ch. 3 (ACR 24) Kapiloff. Freed American hostages.

This measure would commend the 52 freed American hostages, who had been held prisoner in Iran, for their outstanding display of courage and fortitude, express joy and relief upon the occasion of their release, and extend best wishes for a speedy return to the United States.

Res. Ch. 4 (ACR 10) Felando. Children's Dental Health Month.

This measure would declare that the month of February 1981, be recognized as "Children's Dental Health Month."

Res. Ch. 5 (ACR 26) Lockyer. Oakland Raiders.

This measure would commend the Oakland Raiders and their organization upon their victory in Super Bowl XV.

Res. Ch. 6 (SCR 5) Holmdahl. Joint Committee on the State's Economy continuation.

This measure would continue the existence of the Joint Committee on the State's Economy and its advisory committees through January 31, 1982.

Res. Ch. 7 (ACR 20) Kapiloff. San Diego-Coronado Bridge.

This measure would request the Department of Transportation to permit the use of 2 lanes of the San Diego-Coronado Bridge as a part of the course for a bicycle ride on February 22, 1981, from 8:00 a.m. to 10:30 a.m., sponsored by the San Diego Council American Youth Hostels, Inc., if the department is requested to do so by the Cities of San Diego and Coronado in accordance with specified provisions of the Vehicle Code

Res. Ch. 8 (ACR 28) Levine. Student Solidarity Day for Soviet Jewry.

This measure would proclaim February 25, 1981, as Student Solidarity Day for Soviet Jewry.

Res. Ch. 9 (ACR 18) Rosenthal. State highways and bridges: temporary closure.

This measure would request the Department of Transportation to close the Marina Freeway (State Highway Route 90) from the Slauson on ramp to the Lincoln Boulevard on ramp in one direction only on Sunday, March 8, 1981, between the hours of 8 a.m. and 10:30 a.m. for the purpose of the running of Southern California's Third Urban Forest Run.

The measure would also request the department to permit the use of the San Diego-Coronado Bridge as part of the course for a bike-run-walkathon on September 13, 1981, sponsored by Radio 13 (San Diego) to raise funds for the Leukemia Society of America, San Diego Chapter, if the department is requested to do so by the Cities of San Diego and Coronado in accordance with specified provisions of the Vehicle Code

Res. Ch. 10 (ACR 35) W. Brown. Ella Hill Hutch.

This measure would memorialize Ella Hill Hutch, member of the San Francisco Board of Supervisors and express the profound regrets of the Members of the Legislature at her untimely passing.

Res. Ch. 11 (AJR 15) Moorhead. The opening of the California State Railroad Museum.

This measure would invite President Ronald Reagan to attend and speak at the opening of the California State Railroad Museum on May 2, 1981

Res. Ch. 12 (SCR 2) Roberti. Joint Rules.

This measure adopts the Temporary Joint Rules of the Senate and the Assembly for the 1981-82 Regular Session.

Res. Ch. 13 (ACR 38) Levine. Relative to honoring Nina Warren.

This measure would honor and commend the widow of the late Earl Warren on the occasion of her birthday, and extend the sincere gratitude of the people of California for her many contributions.

Res. Ch. 14 (ACR 5) McAlister. California Law Revision Commission: study topic calendar—revision.

Existing law requires the California Law Revision Commission to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, including a list of studies in progress and a list of topics intended for future consideration; and, after the filing of the commission's first report, its studies are confined to topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study, or referred to it for study, by concurrent resolution of the Legislature.

This resolution would authorize the commission to continue its study of numerous, specified topics which the Legislature has previously authorized or directed the commission to study and would approve the removal of one topic from the calendar of topics: suit by and against partnerships and other unincorporated associations and the liability of such associations and their members.

Res. Ch. 15 (ACR 39) Thurman. Agriculture Day.

This measure would proclaim March 19, 1981, as Agriculture Day.

Res. Ch. 16 (ACR 48) Baker. Great California Resource Rally.

This measure would declare the support of the Legislature for the Great California Resource Rally to be held during the week of April 20-26, 1981, and sponsored by the State Solid Waste Management Board.

Res. Ch. 17 (ACR 50) Moore. Relative to the children of Atlanta.

This measure would encourage the wearing of the symbolic green ribbons in protest of the violence prevalent in our society, and in memory of the slain children of Atlanta, as moral support to the families of the children, and in support of the combined national, state, and local law enforcement efforts to apprehend the perpetrator or perpetrators of these heinous crimes in the Atlanta area.

Res. Ch. 18 (AJR 30) Hughes. Federal aid to Atlanta.

This measure commends President Reagan for approving an additional \$1.5 million in federal aid to assist the City of Atlanta, Georgia, in its investigation of the tragedy involving slain and missing black children.

Res. Ch. 19 (AJR 32) Moorhead. McClellan Air Force Base: closure.

This measure would memorialize the President and Congress to oppose proposals to close McClellan Air Force Base.

Res. Ch. 20 (SCR 8) M. Garcia. San Mateo-Hayward Bridge Run.

This measure would request the Department of Transportation to authorize the closure of the westbound lanes of the San Mateo-Hayward Bridge on April 12, 1981, to permit its use as part of the course of the San Mateo-Hayward Bridge Run, if the department is requested to do so by the Cities of Hayward and Foster City in accordance with a specified provision of the Vehicle Code.

The measure would request the department to report to the Legislature not later than March 1, 1981, on the impact of this and similar bridge closures.

Res. Ch. 21 (SCR 13) Keene. Long distance runs: road and highway closures.

This measure would request the Department of Transportation and the Department of Parks and Recreation to close portions of State Route 254, the Avenue of the Giants, Bull Creek Flats Road, State Route 255, and State Highway 101 during the running of the Avenue of the Giants Marathon, the Humboldt Redwoods Marathon, and the Kinetic Sculpture Race.

Res. Ch. 22 (ACR 51) Martinez. State Day of Remembrance.

This measure would request the Governor to proclaim April 24, 1981, and each April 24th thereafter as State Day of Remembrance for all victims of genocide, especially those of Armenian ancestry.

Res. Ch. 23 (AJR 1) Ryan. Investment tax credit.

This measure would memorialize the President and Congress to provide an investment tax credit and 60-month depreciation on landfill gas development and recovery investments and to direct the Internal Revenue Service to promulgate regulations, as specified.

Res. Ch. 24 (ACR 30) Frizzelle. Those Americans who served in the Southeast Asian conflict.

This measure would extend honor and recognition to those Americans who served in the conflict in Southeast Asia upon the occasion of the release of the 52 former American hostages from Iran, and would extend to them the commendations and appreciation of the public.

Res. Ch. 25 (AJR 14) Katz. Hansen Dam.

This measure would memorialize the Congress of the United States to enact legislation which would add recreation and water conservation to the authorized purposes of Hansen Dam and which would authorize a prompt cost estimate and feasibility study for the cleanout of silt, sand, and gravel at the dam.

Res. Ch. 26 (ACR 33) Greene. Relative to commending Senator Albert S. Rodda

This measure would commend Senator Albert S. Rodda for his many years of outstanding public service, and extend the gratitude and appreciation of California's citizenry.

Res. Ch. 27 (SCR 15) Campbell. Joint Committee on Fire, Police, Emergency, and Disaster Services.

This measure would create the Joint Committee on Fire, Police, Emergency, and Disaster Services, and provide for the membership, authority, and duties of the committee

Res. Ch. 28 (ACR 52) Young. Space shuttle program.

This measure expresses the pride of the people of California in the success of the STS-1 mission and extends heartiest congratulations to Astronauts John Young and Robert Crippen, Rockwell International, and the National Aeronautics and Space Administration on the successful launch, flight, and landing of the space shuttle Columbia.

Res. Ch. 29 (ACR 54) Thurman. County agricultural commissioner system.

This measure would recognize the centennial anniversary of the county agricultural commissioner system in California and congratulate each agricultural commissioner and staff member for the dedicated service that has been performed.

Res. Ch. 30 (AJR 17) Lancaster. Toxic and hazardous substance management.

This measure would memorialize the President and the Congress to enact legislation amending the Internal Revenue Code of 1954 to include interest earnings on bonds issued by state and local governments to assist private industry with the costs of the installation of toxic and hazardous substance management facilities within Section 103(b) (4) of the code, which excludes interest earnings on certain bonds from the gross income of the bondholders

Res. Ch. 31 (ACR 61) Bosco. His Holiness Pope John Paul II

This measure expresses the outrage of the people of California over the violent act against His Holiness Pope John Paul II and their sincere wishes for his speedy recovery

Res. Ch. 32 (AJR 19) Farr. Outer Continental Shelf leasing.

This measure would memorialize the President and the Secretary of the Interior to fulfill the existing commitments of the Department of the Interior to delete from further consideration for Outer Continental Shelf leasing the Santa Cruz, Bodega, Pt. Arena, and Eel River Basins, to accept and expedite Outer Continental Shelf leasing in areas with large oil and gas reserves, and to delete the northern portion of the Santa Maria Basin to avoid excessive risk to specified values and uses of coastal waters

Res. Ch. 33 (ACR 31) Ingalls. Joint Legislative Audit Committee: appropriation.

This measure would make \$7,520,000 available from the Contingent Funds of the Assembly and Senate for expenses of the Joint Legislative Audit Committee.

Res. Ch. 34 (AJR 2) Ryan. Hazardous waste: taxation.

This measure would memorialize the President and the Congress of the United States to enact appropriate legislation to provide a 40% investment tax credit for equipment and facilities which reduce toxic and hazardous waste at the site of generation of that waste or at a regional collection facility, and to provide a 60-month amortization and depreciation for such equipment and facilities.

Res. Ch. 35 (AJR 46) W. Brown. Continental Airline employees.

This measure would express the support of the Legislature for the employees of Continental Airlines in their efforts to acquire control of Continental Airlines by creation of an Employee Stock Ownership Trust and would commend the employees for their efforts.

The measure would also urge the Civil Aeronautics Board and other federal agencies to refrain from any extraordinary action with regard to the proposed merger between Texas International Airlines and Continental Airlines in order to permit the federal courts to make such determinations as are appropriate for the protection of shareholders, and would urge the board to proceed with consideration of such proposed merger under its regular procedures.

Res. Ch. 36 (AJR 3) Hannigan. Vietnam era veterans: educational benefits.

This measure would memorialize the President and Congress to extend the period during which federal educational benefits are available to Vietnam era veterans.

Res. Ch. 37 (ACR 15) Lehman. Air pollution control: mobile farm equipment.

This measure would request the State Air Resources Board, before taking any regulatory action on mobile farm equipment, to make specified studies and analyses. The measure would also request the state board, 60 consecutive legislative days prior to pursuing regulatory action on mobile farm equipment, to report to the Legislature the findings of the studies and analyses.

Res. Ch. 38 (SJR 22) Montoya. Industrial homeworkers.

This measure would memorialize the President and the Congress to oppose the repeal of the industrial homeworkers' regulations.

Res. Ch. 39 (ACR 36) Rogers. Fire safety education.

This measure would commend all fire protection agencies and local fire departments for their support of, and providing information, resources, and technical assistance to, schools, local agencies, and the general public in their fire safety education efforts and would encourage all fire protection agencies and local fire departments to provide effective fire safety education to the public on a continuous basis. The measure would declare October 5-9, 1981, "Fire Prevention Week" and encourage state and local fire protection agencies to annually observe "Fire Prevention Week" in order to coincide with National Fire Prevention Week.

Res. Ch. 40 (SCR 28) Dills. National Guard Day.

This measure would request the people of California to celebrate October 7, 1981, as National Guard Day.

Res. Ch. 41 (SCR 26) Stiern. Joint Legislative Budget Committee

This measure would allocate \$4,200,000, or as much of that amount as may be necessary, from the Contingent Funds of the Assembly and the Senate for payment of the expenses incurred by the Joint Legislative Budget Committee.

Res. Ch. 42 (SJR 19) Montoya. Natural gas: repeal of restrictions on use as power-plant fuel.

This measure would memorialize the President and Congress to repeal laws which restrict or prohibit the use of natural gas as a boiler fuel in existing electric powerplants.

Res. Ch. 43 (ACR 17) D. Stirling. State highways: Whittier College: directional signs.

This measure would request the Department of Transportation to erect and maintain directional signs at the northbound and southbound Whittier Boulevard exits from State Highway Route 605, and at the intersection of Whittier Boulevard and Philadelphia Street, to indicate the direction to Whittier College if Whittier College pays the cost of erection of the signs.

Res. Ch. 44 (ACR 27) Leonard. Great Seal of the State of California.

This measure would commend the Harrah's Automobile Collection Museum for the return of the replica of the California Great Seal to this state for placement in the restored State Capitol building.

Res. Ch. 45 (ACR 65) Moore. Relative to "Early Detection of Breast Cancer Month."

This measure would proclaim the month of July 1981 as "Early Detection of Breast Cancer Month," and urge that all people join together in recognizing the need for early detection and treatment of breast cancer.

Res. Ch. 46 (ACR 66) Kapiloff. The sport of Over-The-Line.

This measure would declare that the month of July be proclaimed as "Over-The-Line Month," in honor of that sport, and would request the United States Olympic Committee to establish Over-The-Line as America's designated sport in the 1984 Olympic Games.

Res. Ch. 47 (ACR 70) Kapiloff. Del Mar facilities: U.N.I.C.E.F. benefit concerts.

This measure would request the 22nd District Agricultural Association to permit the Music for U.N.I.C.E.F. Committee, KGBFM, 13K, and Pax Productions to use the Del Mar Fairgrounds and Race Track facilities from November 24th through 30th, 1981, for purposes of staging contemporary music concerts to raise money for U.N.I.C.E.F.

Res. Ch. 48 (SCR 12) Ellis. Jacob Dekema Freeway.

This measure would designate Interstate 805 as the Jacob Dekema Freeway and direct the Department of Transportation to determine the cost of and erect appropriate plaques and markers so stating. The measure would also provide that the cost of these plaques and markers be paid for by local citizens.

Res. Ch. 49 (SCR 16) Keene. State highways: Dwight O'Dell Bridge.

This measure would designate bridge no. 4-93 on State Highway Route 36 in Humboldt County the Dwight O'Dell Bridge, would direct the Department of Transportation to erect appropriate plaques and markers, and would specify that the designation be accomplished without expense to the state.

Res. Ch. 50 (AJR 40) Roos. Greece.

This measure would request the President and Congress to adopt a described foreign policy regarding Greece and to bring pressure to bear on Turkey to end the occupation of Cyprus.

Res. Ch. 51 (ACR 6) N. Waters. South Fork American River Project (SOFAR).

This measure would recognize and support the South Fork American River Project (SOFAR) and direct the State Water Resources Control Board to give great evidentiary weight to specified public benefits and to expedite consideration of approval for the full appropriation of water sought for the project. The measure would also direct specified state agencies to cooperate with the board and all concerned federal agencies to facilitate approval of the project.

Res. Ch. 52 (ACR 40) Hannigan. Awards made to state employees.

Existing law provides that awards may be made to state employees in excess of \$1,000 when these awards are approved by concurrent resolution of the Legislature.

This measure authorizes additional awards to specified state employees.

Res. Ch. 53 (ACR 41) N. Waters. Bighorn sheep study.

This measure would request the Department of Fish and Game to investigate specified problems relating to bighorn sheep in California and report its findings and recommendations to the Legislature not later than March 1, 1982.

Res. Ch. 54 (AJR 7) N. Waters. Social security recipients.

This measure would memorialize the President and Congress to investigate alternatives to the imposition of an earnings ceiling for social security beneficiaries 65 years of age and older.

Res. Ch. 55 (AJR 20) Felando. Naval vessels: destroyers: sale to foreign countries.

This measure would memorialize the Congress of the United States to discontinue the sale of destroyers to any country which uses its fleet to seize and harass United States fishing boats

Res. Ch. 56 (ACR 42) Wright. Prisoners' medical records.

Existing law does not regulate access to prisoners' medical records by other prisoners.

This measure would request the Department of Corrections to provide guidelines to control such access.

Res. Ch. 57 (ACR 16) Hannigan. Veterans: Vietnam era: CETA projects.

This measure would request the Governor and the Department of Employment Development, which is administering the Comprehensive Employment and Training Act (CETA), to develop proposals to fund, on a cooperative basis, employment counseling and development services for Vietnam era veterans, particularly services relative to discharge upgrading, and to develop a plan for providing technical assistance to local and community groups in developing those projects.

Res. Ch. 58 (ACR 45) Rosenthal. Fire safety: state buildings.

This measure would request each state agency, department, and office to include in its budget request for the 1982-83 fiscal year funding for conforming its facilities to fire safety standards adopted by the State Fire Marshal and that the plans provide for conformance by July 1, 1983.

Res. Ch. 59 (ACR 46) Hannigan. Public Employees' Retirement System: membership.

Existing law requires the State Personnel Board to examine and make recommendations on state safety membership status in the Public Employees' Retirement System for state civil service employees.

This measure would request that the Department of Personnel Administration, within the funds budgeted for it for the 1981-82 fiscal year, reexamine specified nursing positions in the Department of the Youth Authority and the Department of Corrections for that status.

Res. Ch. 60 (AJR 11) Leonard. National defense policy.

This measure would declare support generally for the adoption of a National Strategy of Peace Through Strength, as defined, and would memorialize the President and Congress to take steps necessary for the adoption of this policy

Res. Ch. 61 (AJR 28) Kapiloff. Taxation.

This measure would memorialize the President and the Congress of the United States to enact a statute indexing federal income taxes which is similar to the method adopted in this state.

Res. Ch. 62 (AJR 37) Konnyu. Food stamps: cash-out status.

This measure would memorialize the President and Congress of the United States to enact legislation which would: (1) provide that pilot project authority be granted to states to study the effects of public assistance food stamp cash-out by providing an additional cash increment to AFDC program recipients in lieu of the food stamps currently being provided; (2) hold state and county governments harmless for any increased amount of the cash assistance issued in conjunction with this pilot, and (3) transfer responsibility for administration of the federal Food Stamp Program from the United States Department of Agriculture to the United States Department of Health and Human Services.



Res. Ch. 63 (AJR 42) Kapiloff. Federal Indian health programs.

This measure would memorialize the President and Congress to maintain urban Indian health project funding at not less than the federal 1980-81 fiscal year appropriation level.

Res. Ch. 64 (AJR 47) Hannigan. Famine relief for East Africa.

This measure would urge the President and the Congress of the United States to take whatever action is necessary, including the provision of emergency relief funds, to assure the immediate relief of the famine victims of East Africa. This measure would also request the President to instruct the United States delegation to the United Nations to advocate the need of the East Africans for basic sustenance.

Res. Ch. 65 (AJR 51) Vicencia. Refugees.

This measure would urge the President and the Congress of the United States to use their best offices to require from the appropriate federal authorities, prior to December 31, 1981, a national plan for refugee resettlement that clearly defines the roles and responsibilities of the appropriate government agencies and the voluntary agencies involved with refugee resettlement, and which contains specified provisions.

Res. Ch. 66 (AJR 59) Felando. Older Americans Employment Opportunity Week.

This measure would memorialize the President to issue a proclamation designating the week of September 6, 1981, through September 12, 1981, as "Older Americans Employment Opportunity Week", and to call upon various organizations to take the actions outlined in Senate Joint Resolution 92.

Res. Ch. 67 (SCR 24) Alquist. Safe drinking water bonds.

This measure would request the Public Utilities Commission to study the relative benefits of the commission's current practice of permitting a surcharge to repay loans under the California Safe Drinking Water Bond Law of 1976 and the alternate rate base treatment to both water corporations and their ratepayers, to recommend the most appropriate method for recovering utility revenues needed to repay the loans, and to report thereon to the Legislature and Governor on or before February 1, 1982.

Res. Ch. 68 (SCR 14) Craven. Walter F. Maxwell Memorial Bridge.

This measure would designate the Lilac Bridge over I-15 in San Diego County, approximately 13 miles north of Escondido, as the Walter F. Maxwell Memorial Bridge. It would direct the Department of Transportation to determine the cost of and to erect appropriate plaques and markers, but would require that the cost of the plaques and markers be paid by local citizens.

Res. Ch. 69 (SJR 8) Robbins. Rudolf Hess: release from prison.

This measure would memorialize the President and Congress of the United States to oppose the release of convicted Nazi war criminal, Rudolf Hess, from prison.

Res. Ch. 70 (ACR 11) Hannigan. State and school employees: veterans: retirement benefits.

This measure would request the Public Employees' Retirement System to study and report to the Assembly Committee on Public Employees and Retirement on the number of state and school employees who would be eligible for retirement credit for military service prior to entering state service and school employment and the cost of extending this benefit to these employees.

Res. Ch. 71 (AJR 56) Papan. Mortgage Subsidy Bond Tax Act of 1980.

This measure would memorialize the President and Congress to direct the Commissioner of the Internal Revenue Service to modify proposed regulations to insure implementation of the Mortgage Subsidy Bond Tax Act of 1980 so as not to jeopardize the tax-exempt status of Cal-Vet general obligation bonds and to continue to permit veteran farm and home purchasers to arrange interim financing pending the granting of Cal-Vet loan benefits.

Res. Ch. 72 (SCR 34) Boatwright Board of Registered Nursing.

This measure would request the Legislative Analyst to study, and report to the Legislature, the effect of the Board of Registered Nursing's proposals to withdraw from a national examination system and to study the impact of the board's policy of extending interim permits to practice nursing to specified persons who did not pass the nursing examination. The measure would request the board to withhold implementation of these proposals until the Legislative Analyst has completed the study and has submitted a report to the Legislature.

Res. Ch. 73 (SJR 13) Mello. Fishery management.

This measure would memorialize the Congress of the United States to establish a fishery management council including only the State of California

Res. Ch. 74 (SJR 15) Craven. Beach erosion: northern San Diego County.

This measure would memorialize the Army Corps of Engineers to move forward as rapidly as possible into advanced engineering and design a specified survey report on beach erosion problems and solutions for northern San Diego County. The measure would also memorialize the Corps to design, construct, and put into operation at the earliest possible date an effective, permanent sand bypass system, and to act immediately to stabilize the beaches.

Res. Ch. 75 (SCR 4) Marks. Heritage Task Force.

This measure would create the Heritage Task Force consisting of 16 members with specified qualifications to be appointed by the Senate Rules Committee and the Speaker of the Assembly, as specified. The task force would be required to submit to the Legislature, within 1 year after its creation, a report on a statewide policy to preserve and enhance California's architectural, cultural, and historic resources.

Res. Ch. 76 (SCR 19) Marks. John F. McCarthy Memorial Bridge.

This measure would designate the Richmond-San Rafael Bridge as the John F. McCarthy Memorial Bridge.

Res. Ch. 77 (SJR 3) Ellis. Mexican motor carriers.

This measure would memorialize the President and Congress to investigate and ascertain the extent of operation of improperly credentialed motor carriers owned or operated by individuals and companies from Mexico and to develop an agreement between the United States and Mexico for reciprocity in the operation of motor carriers. The measure would also request the Commission of the Californias to investigate and ascertain the extent of these operations, and to report its findings and recommendations to the Legislature on or before July 1, 1982.

Res. Ch. 78 (SJR 7) Ellis. Ocean vessels: sale to foreign countries.

This bill would memorialize the Congress of the United States to discontinue the sale of oceangoing vessels suitable for use as military ships to any country which uses its fleet in any manner adverse to legitimate American fishing interests.

Res. Ch. 79 (SJR 9) Keene. Seafood processing.

This measure would memorialize the President and Congress of the United States to enact legislation which would encourage the construction of new and modern facilities for processing seafood for human consumption so that California and other coastal states will be able to fully utilize their offshore fishery resources and which would enable existing facilities which process seafood for human consumption to be eligible for tax deferral programs

Res. Ch. 80 (ACR 21) L. Stirling Highways: freeway construction: San Diego.

This measure would request the Department of Transportation and the California Transportation Commission to take whatever action is necessary to determine the route location for that portion of State Highway Route 52 from Interstate Route 805 in Kearny Mesa to State Highway Route 67 near Santee and that portion of State Highway Route 125 from Interstate Route 8 at La Mesa to Route 52.

The measure would require, unless otherwise agreed to by the Governor, that the state's costs of complying with this request be reimbursed by nonstate sources.

Res. Ch. 81 (ACR 57) Bosco. Agricultural lands: conservation guidebook.

This measure would direct the Office of Planning and Research to prepare by December 31, 1982, a detailed guidebook for city and county officials relating to the conservation of agricultural lands, as specified, and, upon the request of a local agency, to evaluate and assess the technical adequacy of the local agency's agricultural land conservation programs.

Res. Ch. 82 (AJR 18) L. Stirling. Tuna industry: foreign nations.

This measure would memorialize the President and the Congress of the United States to take whatever action is necessary to assure that American fishing rights are observed and the safety of persons on American fishing boats is not threatened by foreign governments. The measure would also ask the President to consider renegotiating fishing treaties between the United States and foreign countries to ensure that the California tuna industry may adequately compete with the emerging tuna industry in Central and South American countries.

Res. Ch. 83 (AJR 39) Konnyu. Income provisions.

This measure would memorialize the President and Congress of the United States to enact federal legislation providing for uniform or compatible definitions, exclusions, and treatment of recipients' income and resources under federally funded public assistance and health services programs, to the extent possible and taking into consideration the objectives of each program.

Res. Ch. 84 (AJR 45) Levine. Sale of Airborne Warning and Command System aircraft to Saudi Arabia.

This measure would memorialize the President and Congress to reconsider, disapprove, and withdraw the decision to sell to Saudi Arabia Airborne Warning and Command System aircraft, aerial tankers, long range fuel and equipment pods, and sophisticated air-to-air missiles.

Res. Ch. 85 (AJR 53) Papan. Relating to social security.

This measure would memorialize the President and Congress of the United States to enact legislation such as HR 4331, which would reinstate the minimum monthly Social Security benefit requirement for old aged recipients.

Res. Ch. 86 (AJR 58) Elder. Longshoremen's and harbor workers' compensation.

This measure would memorialize the Congress of the United States to refrain from taking any action on proposed legislation to change the Longshoremen's and Harbor Workers' Compensation Act until public hearings on the proposed legislation are held on the West Coast.

Res. Ch. 87 (SCR 25) Sieroty. Joint Committee on the Arts.

This measure would create the Joint Committee on the Arts and prescribe its membership, powers, and duties. The measure would additionally make changes in the manner of appointment of a specified representative and the chairperson of the Heritage Task Force, which was created by Senate Concurrent Resolution No. 4.

Res. Ch. 88 (SCR 36) Keene. Joint Committee on Fisheries and Aquaculture.

This measure would create the Joint Committee on Fisheries and Aquaculture, and provide for the membership, authority, and duties of the committee.

Res. Ch. 89 (SCR 42) Rains. Prison terms

This measure would request the Board of Prison Terms to cancel the 1982 parole date of William Archie Fain.

Res. Ch. 90 (ACR 23) W. Brown. Joint Committee on Mass Transit.

This measure would create a Joint Committee on Mass Transit for the purposes of conducting research and making studies and developing recommendations for legislation to address problems related to mass transportation in California

The measure would require the joint committee to submit a preliminary report of its findings and recommendations on or before November 30, 1981, and a final report on or before the committee's termination date, November 30, 1982.

The measure would authorize the Joint Rules Committee to make such money available from the Contingent Funds of the Assembly and Senate as it deems necessary for

the expenses of the committee and its members, upon the prior approval by the Joint Rules Committee of an annual budget for the Joint Committee on Mass Transit.

Res. Ch. 91 (AJR 61) Bosco. Klamath River fishing.

This measure would memorialize the United States Secretary of Interior to accelerate enforcement of existing laws and regulations in the Klamath River region in those areas where the Department of Interior, through the Bureau of Indian Affairs, has specified law enforcement responsibilities.

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# CROSS-REFERENCE TABLES

BILL TO CHAPTER NUMBER

1981

1981-82 REGULAR SESSION

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## CROSS-REFERENCE TABLES

## Bill to Chapter Number

## ASSEMBLY BILLS

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
5	140	169	907	299	656
7	939	170	335	300	537
12	1134	173	1140	301	535
13	591	174	267	303	909
15	61	175	425	306	152
20	242	176	42	307	238
27	91	181	654	309	72
32	212	183	616	310	26
35	104	186	426	312	325
42	253	187	138	313	49
44	21	189	1171	319	220
46	282	191	427	320	73
48	809	193	214	322	105
50	1182	197	62	326	211
52	1102	200	24	327	63
61	1093	201	655	328	142
62	649	202	933	329	511
65	224	204	223	332	919
66	476	205	94	333	640
75	653	207	1180	334	55
76	922	208	527	336	432
78	139	224	34	338	74
81	542	227	428	344	810
84	528	229	277	345	431
92	1176	230	249	347	1103
93	13	232	4	348	941
94	7	233	326	352	54
100	811	239	429	354	657
105	812	250	133	355	173
109	176	251	102	356	147
114	998	252	48	357	947
118	31	260	430	359	1112
119	86	263	45	361	338
122	19	267	331	362	807
123	266	268	106	364	75
124	595	274	36	367	477
125	2	275	617	368	234
127	902	278	219	372	512
131	1130	279	47	375	239
132	9	281	526	380	336
135	71	282	525	383	1108
136	320	284	938	384	337
147	22	285	268	385	1173
152	1141	286	25	389	221
154	510	288	8	396	1132
156	18	289	596	405	128
159	149	291	270	409	303
163	20	292	137	413	278
166	1113	293	182	414	433
167	334	297	35	421	284

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426	136	558	661	719	1116
428	1152	559	516	723	275
431	304	560	991	725	561
433	90	561	250	730	642
434	1135	564	752	734	276
435	153	565	145	735	665
437	64	574	639	737	1039
438	305	575	517	739	1168
440	929	577	829	743	815
441	113	578	544	745	519
442	818	580	594	749	70
444	89	582	155	750	439
447	1008	583	213	752	992
448	777	585	545	753	79
450	747	586	119	754	854
452	97	588	93	757	1136
454	658	589	87	764	1139
458	112	592	994	773	805
461	279	593	241	779	1111
463	222	595	841	783	43
464	210	596	819	784	1137
465	1124	600	638	788	1030
467	154	601	856	789	33
468	77	605	88	790	1107
470	478	607	1181	791	778
473	618	608	662	792	472
475	1133	612	482	793	1029
478	524	613	995	794	955
481	871	617	830	795	620
483	44	621	306	796	920
484	659	624	14	797	666
486	434	627	144	812	227
496	917	632	759	813	342
497	65	633	918	815	799
498	27	634	619	817	1044
499	135	645	438	819	546
500	269	649	1042	822	440
505	92	650	274	823	859
509	507	658	339	825	208
511	753	659	110	826	248
514	1016	663	663	830	441
515	840	664	997	832	760
516	78	667	209	835	999
517	475	668	518	836	637
518	435	672	1015	841	1110
519	543	673	318	842	181
531	833	678	271	845	621
532	66	682	1150	848	761
533	436	686	551	849	636
534	437	687	664	852	280
535	832	688	1131	856	207
538	660	691	479	857	322
541	940	696	340	861	1167
545	319	698	166	864	1028
546	111	701	10	874	504
551	572	710	480	875	307
552	129	715	341	881	343
556	50	717	720	882	473



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890	346	1074	1105	1242	449
897	622	1076	402	1246	978
898	1146	1079	628	1251	770
899	667	1086	352	1254	360
902	864	1087	363	1259	502
911	861	1090	148	1260	1163
913	403	1091	1009	1261	1164
915	442	1092	852	1265	1022
916	554	1095	1172	1266	450
917	508	1096	445	1277	851
919	443	1097	801	1282	1012
921	1177	1099	751	1283	824
922	481	1102	1114	1284	328
924	130	1106	853	1285	981
925	1109	1113	855	1288	771
926	559	1118	1155	1295	76
931	921	1123	206	1297	1153
932	1058	1125	965	1299	499
933	893	1127	446	1301	772
934	971	1129	635	1303	205
935	509	1131	351	1305	1179
941	846	1132	547	1307	806
946	634	1135	1025	1328	359
951	344	1142	501	1340	823
955	560	1144	862	1341	451
965	1185	1146	767	1343	281
969	498	1147	623	1346	358
980	754	1148	447	1348	452
983	345	1149	1000	1361	357
984	1175	1151	849	1362	1020
987	1151	1157	768	1366	804
990	915	1158	961	1369	1178
999	817	1161	1142	1372	847
1001	347	1162	1023	1373	1115
1004	251	1170	474	1377	453
1009	493	1171	821	1379	1169
1010	1183	1174	632	1382	942
1012	860	1176	1166	1390	773
1014	865	1177	350	1391	252
1016	1026	1179	717	1401	645
1017	109	1182	1078	1405	945
1020	354	1185	962	1409	644
1023	1174	1190	332	1415	1059
1025	483	1192	1088	1416	1006
1027	1084	1198	401	1422	896
1028	1149	1203	1011	1446	627
1038	353	1204	448	1452	858
1039	776	1205	925	1453	1138
1054	506	1207	349	1459	356
1055	972	1211	850	1460	954
1058	857	1212	1117	1461	842
1059	444	1216	348	1463	897
1061	943	1217	930	1469	399
1064	513	1218	1118	1486	924
1065	1148	1227	769	1488	643
1067	1081	1231	1170	1489	1119
1072	765	1236	1145	1490	774

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1498	723	1674	1024	1929	323
1499	946	1675	1125	1956	235
1500	848	1678	650	1959	1184
1516	587	1684	900	1963	523
1518	1120	1685	368	1964	550
1519	626	1687	367	1969	312
1520	758	1690	1021	1973	107
1521	418	1693	612	1975	1027
1527	1121	1708	108	1976	494
1529	894	1709	575	1977	505
1533	1106	1710	366	1979	240
1534	794	1722	199	1980	629
1537	362	1726	470	1982	822
1538	959	1730	471	1986	195
1540	1004	1744	146	1998	828
1544	286	1747	625	2000	1127
1545	993	1748	899	2009	732
1550	1165	1753	738	2010	826
1551	743	1756	500	2014	194
1552	503	1773	624	2015	400
1553	361	1776	198	2016	193
1554	355	1782	926	2018	963
1557	272	1784	197	2019	733
1562	990	1786	308	2021	495
1563	164	1790	226	2034	158
1566	529	1794	317	2035	192
1567	916	1798	196	2039	311
1580	327	1803	330	2040	631
1583	744	1804	1104	2042	191
1585	745	1807	731	2043	256
1586	863	1812	552	2048	630
1587	746	1817	309	2051	906
1589	923	1818	868	2052	310
1590	1122	1825	1129	2053	1160
1595	984	1826	1126	2057	457
1610	333	1833	329	2062	190
1613	795	1835	953	2063	735
1614	466	1836	736	2074	1095
1616	741	1838	1038	2079	313
1618	1097	1842	156	2084	574
1619	1019	1851	484	2093	800
1620	229	1856	163	2095	458
1626	103	1857	455	2097	231
1628	175	1862	952	2100	1154
1630	1018	1865	225	2106	189
1638	898	1868	989	2107	321
1639	1083	1876	903	2109	188
1645	204	1881	1123	2110	520
1650	740	1882	1061	2113	515
1652	454	1884	184	2117	187
1653	160	1885	456	2119	1159
1654	203	1899	803	2123	464
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2128	216	2166	159	2207	165
2129	979	2167	1143	2215	646
2135	514	2168	1144	2217	1158
2138	186	2173	727	2219	132
2140	228	2176	739	2225	1157
2142	460	2178	462	2228	467
2143	648	2181	647	2232	1156
2148	461	2184	1147	2233	174
2149	364	2185	1186	2243	521
2150	589	2189	905	2251	964
2153	496	2192	522	2264	157
2154	255	2200	570	2266	1057

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13	497	136	291	253	51
16	372	139	377	254	568
17	694	140	724	255	586
19	1001	143	5	257	1087
21	288	144	675	261	293
22	371	148	30	262	839
23	726	149	28	264	1076
30	1	152	951	270	932
32	597	153	273	271	600
35	864	159	676	272	1099
39	588	160	957	274	1101
42	956	161	693	275	373
48	254	162	398	276	901
52	539	163	677	277	681
54	404	164	46	278	928
55	52	166	283	280	294
57	1014	168	41	281	384
60	668	169	114	282	150
64	11	170	376	283	1002
65	669	173	375	284	680
67	598	174	374	285	67
69	287	176	540	286	16
73	599	177	15	287	948
74	60	178	1085	289	742
76	370	180	958	295	295
78	728	181	678	298	127
79	167	182	141	300	820
83	670	186	569	301	734
85	3	187	571	303	988
88	17	188	126	306	383
89	671	189	725	310	56
92	672	190	679	311	1017
94	53	192	576	315	985
96	673	193	115	317	682
98	59	194	292	318	296
99	536	195	58	319	937
101	729	199	878	321	844
102	101	201	710	322	29
103	6	202	217	323	1041
106	369	209	895	325	297
107	243	210	966	327	730
110	99	212	549	328	468
116	233	215	541	329	382
117	378	216	1091	331	1056
119	40	218	986	333	263
120	80	219	39	334	180
121	1098	220	131	338	879
122	12	222	469	340	81
123	910	229	980	346	406
127	602	230	1013	347	793
129	289	239	748	353	683
130	674	240	37	354	601
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357	122	513	578	674	488
360	533	523	808	679	151
361	168	527	960	682	262
371	419	528	83	684	1066
372	934	530	379	685	579
374	935	531	84	688	1069
376	684	532	422	689	973
378	651	533	688	690	534
379	1054	534	605	693	558
380	380	536	68	700	557
389	685	543	689	702	581
391	530	547	423	713	789
395	1053	553	606	718	716
397	931	554	1050	723	1067
399	577	559	690	724	415
400	548	560	413	726	592
402	585	562	486	730	608
406	123	567	880	731	699
409	1005	572	1055	735	1040
410	82	574	414	736	609
411	790	575	814	738	700
412	987	576	237	741	885
415	1052	584	692	744	1089
421	302	585	691	747	489
425	603	586	1064	750	555
430	686	588	1062	757	701
431	881	589	566	758	870
434	687	590	787	761	386
435	779	592	465	766	702
437	553	599	607	769	1094
439	1051	605	245	771	178
441	780	606	695	773	783
442	57	610	696	776	1043
445	843	611	388	778	490
446	911	612	791	781	118
447	834	613	1063	790	417
448	838	616	1072	793	532
450	315	618	756	796	1068
453	218	620	703	799	1073
454	420	626	1007	801	424
459	722	627	697	802	247
466	584	628	1065	803	264
467	324	629	1096	808	385
473	405	631	890	809	1079
477	912	633	69	812	788
481	845	634	487	813	1071
484	974	637	869	821	556
492	781	639	246	822	491
494	936	642	698	831	721
495	421	647	387	835	866
497	298	648	837	840	169
498	983	650	259	841	764
499	825	653	867	843	785
501	244	654	950	846	786
502	407	659	872	853	883
508	485	668	230	857	976
511	285	671	580	862	1070

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869	705	1010	563	1138	562
872	706	1011	410	1139	763
877	299	1012	1060	1141	831
879	968	1013	85	1142	183
880	707	1015	611	1144	652
883	416	1019	927	1145	492
887	766	1021	996	1147	120
889	782	1023	394	1148	719
891	573	1024	1003	1149	1092
898	1074	1028	888	1151	185
900	982	1029	798	1152	1049
906	749	1032	582	1155	583
911	564	1034	1032	1156	392
912	397	1044	797	1160	887
920	531	1045	408	1163	874
921	1033	1047	977	1164	711
923	396	1052	1031	1165	712
930	873	1053	796	1168	1048
932	96	1057	593	1169	95
936	891	1058	124	1172	1047
937	567	1060	613	1180	713
938	882	1062	393	1182	1045
939	172	1064	117	1183	913
947	762	1066	757	1184	391
950	412	1070	314	1186	236
951	179	1071	162	1187	750
952	784	1073	614	1192	714
957	1080	1074	260	1193	975
958	1077	1076	257	1199	715
959	610	1079	161	1204	390
962	395	1080	134	1211	615
964	967	1081	177	1215	1036
972	116	1083	889	1221	409
979	1075	1090	300	1225	1100
981	1086	1091	121	1228	1035
986	892	1094	301	1230	1034
989	125	1098	143	1235	835
990	411	1105	258	1239	389
991	827	1121	708	1257	908
993	565	1122	709	1260	1037
996	876	1124	886	1261	1090
998	265	1125	98	1265	944
1004	1082	1127	1010		
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5	14	27	44	46	59
6	51	28	8	48	16
10	4	30	24	50	17
11	70	31	33	51	22
15	37	33	26	52	28
16	57	35	10	54	29
17	43	36	39	57	81
18	9	38	13	61	31
20	7	39	15	65	45
21	80	40	52	66	46
23	90	41	53	70	47
24	3	42	56		

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AJR	Resolution Chapter	AJR	Resolution Chapter	AJR	Resolution Chapter
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2	34	20	55	46	35
3	36	28	61	47	64
7	54	30	18	51	65
11	60	32	19	53	85
14	25	37	62	56	71
15	11	39	83	58	86
17	30	40	50	59	66
18	82	42	63	61	91

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SCR	Resolution Chapter	SCR	Resolution Chapter	SCR	Resolution Chapter
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3	1	14	68	26	41
4	75	15	27	28	40
5	6	16	49	34	72
8	20	19	76	36	88
12	48	24	67	42	89

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SJR	Resolution Chapter	SJR	Resolution Chapter	SJR	Resolution Chapter
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8	69	15	74		



**BILLS VETOED BY GOVERNOR**

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**ASSEMBLY BILLS**

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40, 71, 146, 147, 266, 462, 655, 681, | 686, 719, 795, 1073, 1140